

Closed Caption Log, Council Meeting, 05/19/05

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MAYOR WYNN: GOOD MORNING, I'M ALL MAYOR WILL WINN, I'M WELCOMING PASTOR MELVIN S. MANOR WHO IS PASTOR OF THE SAINT PAUL BAPTIST CHURCH WHO WILL LEAD US IN AN INVOCATION, PLEASE RISE.

LET US PRAY. GRACIOUS GOD OUR FATHER, WE GREET YOU IN THE NAME OF OUR LORD AND SAVIOR JESUS CHRIST. AS WE PREPARE TO LOOK INTO THE THINGS THAT WILL BE GOVERNING OUR CITY, WE PRAY FOR YOUR GUIDANCE, GOD, WE BESEECH YOU THAT YOU WILL BE WITH OUR MAYOR, CITY MANAGER, AND ALL OF THE COUNCILMEMBERS AS THEY EMBARK UPON MATTERS CONCERNING OUR CITY AND THOSE THAT LIVE WITHIN OUR CITY. WE ASK THAT YOU WILL CONTINUE TO BLESS AUSTIN AND MAKE HER A SAFE PLACE TO LIVE. LET TODAY BE A DAY OF PEACE AND LOVE AS THE COMMUNITY AND SURROUNDING AREAS BRING THEIR CONCERNS TO THIS GOVERNING BODY. BLESS ALL DIRECTORS OF EACH DEPARTMENT AS WELL. AND WHERE THERE IS HEALING NEEDED, WE ASK THAT THOU WOULD PROVIDE. WHERE LOVE IS NEEDED, SHOW US. AND WHERE FINANCES IS NEEDED, BLESS US. AND WHERE DIRECTION IS NEEDED, PLEASE LEAD US. AS WE SEEK YOUR BLESSINGS, LET US BLESS YOU IN RETURN. GIVE AUSTIN AND THE CITIZENS OF AUSTIN FAVOR IN THY SIGHT. NOW THESE AND MANY MORE BLESSINGS WE ASK IN OUR DARLING SON'S NAME, JESUS CHRIST, AMEN.

Mayor Wynn: THANK YOU, PASTOR MANOR. THERE BEING A

QUORUM PRESENT AT THIS TIME I WILL CALL TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL. IT IS THURSDAY, WHAT IS TODAY? MAY 19th, 2005. WE ARE IN THE CITY COUNCIL CHAMBERS, CITY HALL, 301 WEST SECOND STREET IN AUSTIN. IT'S APPROXIMATELY 12 MINUTES AFTER 10:00 IN THE MORNING. WE HAVE A FEW CHANGES AND CORRECTIONS TO THIS WEEK'S POSTED AGENDA. ON ITEM NO. 7, RELATED TO SPAY AND NEUTERING CITY CODE, WE NEED TO ADD THE WORDS "DOGS AND CATS" AND STRIKE THE PHRASE "PETS AND TO INCREASE REGISTRATION FEES FOR ANIMALS THAT ARE NOT SPAYED OR NEUTERED" WE NEED TO ADD THE WORDS "HEALTH AND HUMAN SERVICES DEPARTMENT" AND STRIKE THE CODE REFERENCE NUMBER 100903-9 AND THE WORD ACCORDINGLY AND INSERT 090913-05 TO INCREASE THE ANIMAL LICENSE FEE FOR DOGS AND CATS THAT ARE NOT SPAYED AND NEUTERED. THAT'S ITEM NO. 7. ITEM NO. 13, WE SHOULD STRIKE THE FIRST WORD AUTHORIZE AND INSERT APPROVE A RESOLUTION AUTHORIZING. AND ITEM NO. 32, WE SHOULD STRIKE THE SECOND AND THIRD RECORD A RESOLUTION AND INSERT AN ORDINANCE. OUR TIME CERTAINS TODAY, AT 12 NOON WE WILL BREAK FOR GENERAL CITIZENS COMMUNICATIONS. AT 2:00 WE WILL HAVE A BOND SALE, REFUNDING BOND SALE THAT SHOWS US AS ITEM NO. 37 ON THE AGENDA. AT 4:00 WE HAVE ZONING HEARINGS AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS. THOSE SHOW AS ITEMS 38 THROUGH 40. AND PUBLIC HEARINGS, ZONING CASES, Z-1 THROUGH Z-11. I WILL ANNOUNCE NOW THAT THE STAFF WILL BE REQUESTING TWO POSTPONEMENTS, ZONING CASE Z-5, WHICH IS THE EIKNES-O'CONNELL MESSNER HOUSE, REQUESTING A POSTPONEMENT TO JUNE 9th, 2005. ITEM Z-10 AND ZE 11 KNOWN AS THE GABLES AT WESTLAKE, THERE IS A REQUEST TO POSTPONE TO EITHER MAY 26th OR JUNE 9th. THOSE POSTPONEMENTS, HOWEVER, TECHNICALLY CAN'T BE TAKEN UP UNTIL AFTER 4:00 P.M. AS A POSTED ITEM. AT 5:30 WE BREAK FOR LIVE MUSIC AND PROCLAMATIONS, OUR MUSICIAN TODAY IS BRENT ADAIR, AT 6:00 PUBLIC HEARINGS AND POSSIBLE ACTIONS, THOSE SHOW AS ITEMS 41 THROUGH 43. WE HAVE A HANDFUL OF ITEMS THAT HAVE BEEN PULLED OFF THE CONSENT AGENDA. THAT IS THOSE THAT WERE POSTED ITEMS THAT WON'T BE APPROVED WITH A SINGLE VOTE HERE IN A FEW

MINUTES. WE WILL TAKE THOSE UP AS DISCUSSION ITEMS LATER TODAY. ITEM NO. 3 REGARDING A PARKING LEASE WITH THE TEXAS LOTTERY COMMISSION, I HAVE PULLED THAT, HOPEFULLY JUST A FEW SHORT QUESTIONS. ITEMS NUMBER 8 AND 9 RELATED TO THE T.O.D.'S PULPED -- PULL BY COUNCILMEMBER ALVAREZ. WE HOPE TO TAKE THOSE UP MUCH EARLIER IN THE WEEK THAN THE LAST FEW TRIES. ITEM 10 TECHNICALLY PULLED BY COUNCILMEMBER SLUSHER, BUT RELATES TO A PUBLIC HEARING ITEM NO. 43, WE WILL TAKE THAT UP AFTER 6:00 P.M., SOMETIME AFTER THE 43, THAT'S ITEM NO. 10. ITEM NO. 29 RELATED TO A LANDFILL CONTRACT PULLED BY MYSELF AND MAYOR PRO TEM GOODMAN, ITEM 31 RELATED TO THE CONSENT AGREEMENT WITH ESSENTIALLY THE CANYON CREEK M.U.D. PULLED BY ME. THIS WAS POSTED FOR SECOND READING ONLY. COUNCIL, ARE THERE OTHER ITEMS TO BE PULLED OFF THE CONSENT AGENDA OR ADDED BACK ON? IF NOT, THEN I'LL READ THE CONSENT AGENDA -- NUMERICALLY. THE CONSENT AGENDA WILL BE ITEMS NUMBER 1, 2, 4, 5, 6, 7, PER CHANGES AND CORRECTION, 11, 12, 13, PER CHANGES AND CORRECTION, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, ITEM 30 ARE THE APPOINTMENTS TO THE BOARDS AND COMMISSIONS, I WILL READ THOSE NAMES INTO THE RECORD: TO OUR AIRPORT ADVISORY COMMISSION, SCOTT MADOLE A CONSENSUS APPOINTMENT. TO THE ASIAN AMERICAN RESOURCE CENTER ADVISORY BOARD, MILLIE CHU A CONSENSUS APPOINTMENT. TO THE BOND ELECTION ADVISORY COMMITTEE, MARK WILLIAMS WILL SERVE AS THE AUSTIN INDEPENDENT SCHOOL DISTRICT BOARD OF TRUSTEES REPRESENTATIVE, A NON-VOTING MEMBER, A CONSENSUS APPOINTMENT. TO THE DOWNTOWN COMMISSION RICHARD HALPIN A COUNTRIES REAPPOINTMENT. TO THE MAYOR'S COMMITTEE FOR PEOPLE WITH DISABILITIES, JOE GURASE IS MY APPOINTMENT. AND TO THE SOLID WASTE ADVISORY COMMISSION, CHARLES CREE IS A CONSENSUS REAPPOINTMENT. THAT'S ITEM NO. 30 ON OUR CONSENT AGENDA. CONTINUING ON, ITEM 32 PER CHANGES AND CORRECTIONS, 33, 34, AND 44. I'LL ENTERTAIN A MOTION. MOTION MADE BY COUNCILMEMBER ALVAREZ TO APPROVE THE CONSENT AGENDA AS READ.

SECOND.

Mayor Wynn: SECONDED BY COUNCILMEMBER THOMAS.
COMMENTS? ACTUALLY I HAVE A COUPLE. ITEM NO. 2
TECHNICALLY IS OUR ACTION THAT WE TAKE AS A COUNCIL
TO APPROVE A RESOLUTION DIRECTING THE CITY CLERK TO
GO THROUGH WITH THE FORMAT PROCESS AND EXPENSE
OF THE RUNOFF ELECTION. I BRING THIS UP BECAUSE THIS
PAST WEEK WE HAD A SPECIAL CALLED MEETING. PER
STATE LAW WE AS A CANVASSING AUTHORITY ACTUALLY GO
OVER, ACCEPT, ACKNOWLEDGE, FORMALLY ACCEPT THE
RESULTS OF THOSE ELECTIONS THAT THEN ALLOW US TO
TAKE THIS ACTION TODAY TO CALL FOR THE RUNOFF. AS
PART OF THAT CANVASSING ELECTION, WE OF COURSE
ACKNOWLEDGE TO CANDIDATES WHO ARE ELECTED CITY
COUNCIL MEMBER ELECT LEE LEFFINGWELL IS OUT OF
TOWN TODAY, I WOULD LIKE TO PRESENT THE FORMAL
CERTIFICATE OF ELECTION IN THE NAME AND BY THE
AUTHORITY OF THE CITY OF AUSTIN, TEXAS THIS IS TO
CERTIFY THAT A GENERAL MUNICIPAL ELECTION HELD ON
MAY 7th, 2005, BETTY DUNKERLY WAS DULY ELECTED
COUNCILMEMBER PLACE 4 OF THE CITY OF AUSTIN IN
TESTIMONY I HAVE HERE UNTO SIGNED BY NAME AND
CAUSED THE CITY OF AUSTIN SEAL OF TEXAS TO BE AFFIXED
THE 17th DAY OF MAY, SIGNED BY ME AS A PRESIDING
OFFICER OF THE CANVASSING AUTHORITY. PLEASE JOIN ME
IN CONGRATULATING BETTY DUNKERLY. [APPLAUSE]

CONGRATULATIONS.

Mayor Wynn: BRIEFLY, ITEM NO. 14 WE HAVE PROUD TO
APPROVE UNANIMOUSLY, ON THE CONSENT AGENDA, THIS
RELATES TO A CONSTRUCTION CONTRACT FOR THE CITY OF
AUSTIN'S FIRST IN GROUND CONCRETE SKATE PARK. THIS IS
A -- THIS IS AN ITEM THAT WE HAVE BEEN TALKING ABOUT
FOR A NUMBER OF YEARS. AND I WOULD LIKE TO TAKE A
COUPLE OF MINUTES AND RECOGNIZE THE CITY PARKS
DEPARTMENT DIRECTOR WARREN STRUSS TO GIVE US A
VERY BRIEF PRESENTATION ABOUT WHAT WE HOPE TO
START USING VERY SOON DOWN AT MABEL DAVIS PARK.

THANK YOU, MAYOR. WARREN STRUSS, DIRECTOR OF PARKS
AND RECREATION DEPARTMENT. AS A PARKS DIRECTOR,

THIS IS PROBABLY ONE OF YOUR HAPPIEST DAYS THAT YOU CAN HAVE. WE HAVE BEEN LOOKING FORWARD TO DESIGNING AND CONSTRUCTING A SKATE BOARD PARK FOR THE CITIZENS AND FOR OUR YOUNGSTERS OF AUSTIN FOR A LONG, LONG TIME. AND TODAY BEGINS THE FRUITION OF THAT EFFORT. I WANT TO THANK OBVIOUSLY THE MAYOR AND ALL OF THE COUNCIL FOR THEIR EFFORT IN THIS. WE ARE BRINGING TO YOU TODAY FOR YOUR CONSIDERATION THE APPROVAL OF THAT SKATE BOARD PARK CONTRACT, THAT YOU SEE, THE SKATE BOARD PARK RENDITION AND DESIGN IN FRONT OF YOU. IT WILL BE AT MABEL DAVIS PARK. I'M PROUD TO SAY IT WILL BE A 12,000 SQUARE FOOT FACILITY THAT WILL SERVE OUR SKATEBOARDERS WELL FOR MANY YEARS TO COME. SO I'M PROUD TO BRING TO YOU TODAY THAT CONTRACT FOR YOUR APPROVAL AND I'M EXCITED. IF YOU HAVE ANY QUESTIONS I'LL BE HAPPY TO ADDRESS THOSE.

THANK YOU, MR. STRUSS. QUESTIONS FOR WARREN? IF NOT WE HAVE ONE CITIZEN THAT I WOULD LIKE TO RECOGNIZE, MR. SETH JOHNSON, IF SETH COULD COME FORWARD AND SAY A FEW WORD. SETH HAS BEEN A MAJOR STAKEHOLDER FOR THE PAST FEW YEARS IN THIS EFFORT. MOST FOLKS RECOGNIZE AND REMEMBER PARTICULARLY IN DOWNTOWN AUSTIN, THERE HAS BEEN AN ISSUE ABOUT SKATEBOARDERS RIDING THEIR SKATE BOARDS MOSTLY ON PRIVATE PROPERTY. AND AS WE TRIED TO DEAL WITH THAT ISSUE, A BIG ELEMENT OF COURSE WAS THE FACT THAT THERE WASN'T A WELL-DONE, PROFESSIONAL DESIGNED SKATE PARK FOR THESE FOLKS TO USE. PART OF THE SORT OF THE STICK AND CARROT APPROACH TO THIS ISSUE WAS LET'S HAVE THE CARROT OF ONE OF THESE REMARKABLE FACILITIES, HOPEFULLY EVEN MORE AND MR. JOHNSON HAS BEEN A MAJOR PART IN US UNDERSTANDING THE CONCEPT, THE DETAILS, HOW WE GO ABOUT DELIVERING ONE AND MR. JOHNSON, IF YOU COULD SPEAK BRIEFLY TO WHAT WE SEE BEFORE US AND WHAT HOPEFULLY WE'LL SEE VERY SOON AT MABEL DAVIS.

THANK YOU, MAYOR. ALSO THANK TO THE OTHER COUNCILMEMBERS FOR GIVING ME THIS OPPORTUNITY TO SPEAK BEFORE YOU TODAY. I STAND BEFORE YOU AS SOMEONE WHO POST WHO POSSESS SAYS TWO RULES

THAT RELATE TO THIS PROJECT. I'M A PROPERTY OWNER AND A PROPERTY TAXPAYER. WHEN I LOOK AT THIS PROJECT FROM THAT PER PERSPECTIVE I GET REALLY EXCITED BECAUSE I KNOW THAT OUR NATION IS STRUGGLING TO DEAL WITH CHILDHOOD OBESITY AND OUR STATE IS PATHSING DOWN UNFUNDED MANDATES TO THE LOCAL SCHOOL DISTRICT WHICH IS MAGICALLY REQUIRING RESULTS WITHOUT PROVIDING ANY anyIND OF FUNDING FOR SOLUTIONS. SO I TURN TO OUR LOCAL COMMUNITY AND I SEE OPPORTUNITIES SUCH AS THIS SKATE PARK FOR ADDING CHILDHOOD OBESE OBESITY. THIS SKATE PARK IS THE TYPE OF RECREATIONAL FACILITY THAT I THINK WE'RE GOING TO SEE WILL ATTRACT HUNDREDS AND USUALLY THOUSANDS OF SKATEBOARDERS AND KIDS TO GET OFF THEIR COACHES AND GO CROWD DOORS AND BE ACTIVE DAY AFTER DAY. I PREFER NOT TO LOOK AT IT FROM THE PERSPECTIVE OF A STICK AND CARROT APPROACH BECAUSE WHEN I HEAR ABOUT KIDS SKATE BOARDING ON PRIVATE PROPERTY, I KNOW THAT IT'S JUST BECAUSE THEY ARE TRYING TO PURSUE THEIR PASSION, WHICH IS SKATE BOARDING. AND IT IS A POSITIVE PASSION, SOMETHING THAT WE AS A COMMUNITY SHOULD SUPPORT RATHER THAN TRY TO PROSECUTE. THIS SKATE PARK IS GOING TO DO A GREAT JOB TOWARDS SUPPORTING THAT, FROM A SKATE BOARDING PERSPECTIVE I HAVE TO SAY THAT THE SKATE BOARDING COMMUNITY HERE IS VERY EXCITED TO BE GETTING THIS FACILITY BUILT IN THE COMMUNITY AND THAT WE ARE ALSO VERY EXCITED THAT THE MAC CORPORATION HAS WON THE BID FOR THIS CONTRACT BECAUSE THEY HAVE CHOSEN A SUBCONTRACTOR THAT HAS A GREAT DEAL OF EXPERIENCE IN BUILDING PUBLIC SKATE PARKS AND IS ONE OF THE PREMIER BUILDERS NATIONALLY RENOWNED FOR THE SKATE PARKS THAT THEY HAVE BUILT. I'M ALSO I WOULD LIKE TO TAKE THIS OPPORTUNITY TO THANK THE CITY COUNCIL FOR STAFFING THIS PROJECT WITH VERY COMPETENT OFFICIALS. SPECIFICALLY STEWART STRONG AND TONY ARNOLD HAVE BEEN INSTRUMENTAL IN BRINGING THIS PROJECT TO THIS STAGE AND -- AND WE HAVE BEEN VERY HAPPY TO SEE AT EVERY OPPORTUNITY THEY'VE HAD TO SQUEEZE MORE SKATE PARK INTO OUR FINITE BUDGET. SO WE ARE VERY HAPPY TO GO FORWARD WITH THIS DESIGN WITH THIS PLAN. AND IT'S GREAT TO HAVE STAFF

WHO ARE SUPPORTING IT LIKE THE TWO GENTLEMEN THAT I JUST MENTIONED. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, MR. JOHNSON, FOR ALL OF YOUR HELP WITH THIS. ALSO I WOULD LIKE TO POINT OUT THAT AS WE HAVE FOUND FISCAL DISCIPLINE OVER THESE LAST FEW YEARS, VERY DIFFICULT BUDGET YEARS SINCE 2001, NOT AN INSIGNIFICANT DEPARTMENTAL HIT HAS BEEN TO OUR PARKS DEPARTMENT. BUT A FACILITY LIKE A SKATE PARK, WE HAVE THESE CAPITAL DOLLARS, THESE ARE REAL DOLLARS AND WE SPEND THEM JUDICIAALLY, BUT THE \$340,000 EXPENSE FOR THIS SKATE PARK I POINT OUT THAT WHEN YOU -- I PREDICT THAT WHEN WE THEN LOOK AT THE NUMBER OF CITIZEN VISITS PER YEAR OR THE ACTUAL USE OF THIS FACILITY, ALIGNED WITH THE ONGOING COST TO OPERATE AND MAINTAIN THAT SKATE PARK, WHICH IS VIRTUALLY ZIP, IS GOING TO BE A DRAMATICALLY JUDICIOUS INVESTMENT IN PRECIOUS CAPITAL DOLLARS IN THE PARKS DEPARTMENT. TO THE EXTENT THAT WE CAN HAVE FACILITIES WHERE WE SPEND CAPITAL DOLLARS, BUT WE HAVE A REMARKABLY LOW AMOUNT OF O AND M AND WE HAVE A REMARKABLY HIGH NUMBER OF CITIZEN VISITS, THAT COMBINATION OF ANNUAL O AND M DOLLARS PER CITIZEN VISIT ON THIS FACILITY I PREDICT WILL BE SECOND ONLY TO THE REMARKABLE VALUE THAT WE GET YOU ON OF OUR TOWN LAKE HIKE AND BIKE TRAIL. AS WE SEE THE MATH OF THIS OVER THE NEXT YEAR OR TWO, I PREDICT FRANKLY WE WILL LOOK INTO BUILDING A FEW MORE OF THESE, THERE IS A DRAMATIC DEMAND OUT THERE FOR THE PRODUCT. THEY DON'T COST THAT MUCH. THEY COST VIRTUALLY NOTHING TO OPERATE AND MAINTAIN, IT WILL GET MORE KID ACTIVE IN OUR PARKS WHERE WE BELONG. WE ARE PLEASED AND THANKFUL OF THE STAKEHOLDERS, THE PARKS DEPARTMENT AND THE COUNCIL AND MANAGER FOR MAKING THIS HAPPEN. THANK YOU ALL VERY MUCH. LASTLY, MY LAST COMMENT, COUNCIL, ITEM NO. 44, I THANK YOU VERY MUCH FOR JOINING THE MAYOR PRO TEM AND COUNCILMEMBER SLUSHER ON THIS. THIS IS A RESOLUTION REGARDING THE URBAN ENVIRONMENTAL ACT CORDS, GREEN CITIES -- ACCORDS, GREEN CITY DECLARATION. THE U.S. CONFERENCE OF MAYORS HAS BEEN DEALING WITH SEVERAL ISSUES REGARDING SUSTAINABILITY AND

ENVIRONMENTAL PROTECTION. MANY OF THOSE FRANKLY AS MAYOR I CAN SIMPLY SIGN-OFF ON AND SAY YES, YOU KNOW, SORT OF POLITICALLY, AS AN INDIVIDUAL, AS A MAYOR OF A MAJOR CITY I'M SUPPORTIVE. IN THIS CASE, THIS IS ACTUALLY A -- AN -- AUTHORIZING ME AS MAYOR TO SIGN THESE ACCORDS, THIS IS BEING DRIVEN BY THE CITY OF SAN FRANCISCO, THE MAYOR OF SAN FRANCISCO. HOWEVER HUNDREDS OF CITIES THROUGH THEIR MAYOR'S OFFICE ARE SIGNING THESE ACCORDS. THIS IS A VERY STRUCTURED PROGRAM WITH 21 MEASURES OF LONG-TERM ENVIRONMENTAL SUSTAINABILITY. THE CITY OF AUSTIN IS DOING MANY OF THEM ALREADY AND IS WELL ON OUR WAY TO ACHIEVING THE DESIGNATION THAT THESE ACCORDS WILL ASK MANY, MANY MAJOR CITIES TO ACCOMPLISH. SO WHAT I APPRECIATE THE AUTHORIZATION HERE, I THINK THIS IS VERY APPROPRIATE FOR THE CITY OF AUSTIN TO DO, WE ARE ALREADY KNOWN FOR THIS NATIONALLY, WE SHOULD START TAKING ADVANTAGE OF THE WORK THAT WE ARE ALREADY DOING AND FRANKLY SEEING HOW WE SCORE AGAINST OTHER CITIES WILL BE JUSTIFICATION FOR THE TIME, EFFORT AND EXPENSE THAT WE GO THROUGH HERE IN AUSTIN TO PROTECT THIS REMARKABLE QUALITY OF LIFE WE HAVE. I APPRECIATE THE VOTE OF CONFIDENCE AND THE AUTHORIZATION. FURTHER COMMENTS, QUESTIONS ON THE CONSENT AGENDA? COUNCIL? COUNCILMEMBER ALVAREZ?

Alvarez: WELL, MAYOR, I DID WANT TO THANK YOU FOR YOUR LEADERSHIP ON THOSE ITEMS, THE SKATE PARK IN PARTICULAR. I KNOW THAT YOU HAVE SHEPHERDED THAT ONE THROUGH AND I WANT TO THANK STAFF FOR THEIR HARD WORK ON THAT. I KNOW IT WAS PROBABLY BACK IN 2000 WHEN WE STARTED THAT DISCUSSION, SO -- SO AS YOU -- IT TAKES PATIENCE SOMETIMES TO GET THESE THINGS DONE, I WANT TO THANK EVERYBODY FOR BEING PATIENT, BUT ALSO GETTING US TO THIS POINT. IT'S VERY EXCITING FOR THE ENTIRE COMMUNITY AND ALSO FOR PARTICULARLY FOR SOUTHEAST AUSTIN. I THINK THAT WILL BE A GREAT FACILITY THERE. AND ALSO MAYOR FOR BRINGING FORWARD THE RESOLUTION, THE GREEN CITIES DECLARATION. I THINK THAT'S VERY IMPORTANT STATEMENT AND INITIATIVE FOR THE CITY TO BE INVOLVED IN. THANK

YOU, MAYOR.

Mayor Wynn: FURTHER COMMENTS? WE HAVE A MOTION AND A SECOND ON THE TABLE TO APPROVE THE CONSENT AGENDA AS READ. HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 6-0 WITH THE MAYOR PRO TEM TEMPORARILY OFF THE DAIS. THANK YOU ALL VERY MUCH. I WILL LET A FEW PEOPLE CLEAR THE ROOM. COUNCIL, WITHOUT OBJECTION, OUR FIRST DISCUSSION ITEM, I HAD PULLED AGENDA ITEM NO. 3 RELATED TO A PARKING LEASE WITH THE TEXAS LOTTERY COMMISSION AND THEN I APOLOGIZE, FRANKLY I ONLY PULLED IT BECAUSE I DIDN'T GET A CHANCE THIS WEEK TO ASK MY NORMAL SORT OF STRUCTURED QUESTIONS IN OUR TYPICAL FORMAT. BUT I WELCOME FOR A BRIEF PRESENTATION, MR. JOHN STEPHENS.

I'M JOHN STEPHENS CHIEF FINANCIAL OFFICER. ITEM NO. 3 REQUESTS PERMISSION TO AUTHORIZE AND NEGOTIATE A LEASE WITH THE TEXAS LOTTERY COMMISSION FOR 145 SPACES IN OUR NEW CONVENTION CENTER EXPANSION PARKING GARAGE, WHICH OPENED BACK IN JANUARY. THIS IS THE FIRST LEASE THAT WE HAVE OF ANY KIND IN THE BUILDING. WE ARE LEASING TO THE TEXAS LOTTERY COMMISSION BECAUSE WHEN THIS LOT -- BEFORE WE CONSTRUCTED THE CONVENTION CENTER GARAGE ON THIS LOT, THEY -- THEY WERE LEASING SPACES OR THEY WERE PARKING SOME OF THEIR EMPLOYEES ON THIS LOT BEFORE THE NEW GARAGE WAS CONSTRUCTED ON IT. SO WE ARE CARRYING FORWARD THE AGREEMENT THAT WE HAD WITH THEM IN THE NEW GARAGE, ALTHOUGH IT IS FOR MORE EMPLOYEES THAT WERE PARKING ON THE LOT WHEN IT WAS VACANT BEFORE. IT IS TO LEASE 145 SPACES TO THEM FOR AN INITIAL FIVE YEARS AND THEN TWO OPTIONAL RENEWALS.

Mayor Wynn: THANK YOU, MR. STEPHENS. MY QUESTION REALLY ONLY RELATES TO HOW -- WAS IT A TRUE FORMAL R.F.P., OBVIOUSLY THERE IS A LARGE GOVERNMENTAL

ENTITY NEXT DOOR TO US. I ASK THAT BY INTUITIVELY I BELIEVE THERE'S A NUMBER OF LIKELY SMALLER BUSINESSES IN AND AROUND THAT PART OF TOWN THAT LIKELY WOULD JUMP AT THE CHANCE TO AT LEAST EXPLORE STRUCTURED CONTRACT PARKING IN THE GARAGE.

WE DID NOT DO AN R.F.P. FOR THIS. WE ARE NOT REQUIRED TO DO AN R.F.P. FOR THE LEASE OF THE SPACE IN THE GARAGE. AGAIN, WE REALLY CARRIED FORWARD WITH THE AGREEMENT THAT WE HAD WITH THEM BEFORE, ALTHOUGH THEY ARE PUTTING MORE EMPLOYEES IN THERE AS I SAID. THE ADVANTAGE OF DOING IT CERTAINLY FOR THEM IS THAT IT ALLOWS THEM TO CONSOLIDATE ALL OF THEIR EMPLOYEES IN ONE PLACE. THE ADVANTAGE TO THE CITY IS IT PROVIDES US WITH A GOOD SOURCE OF REVENUE, THEY ARE ONLY GOING TO USE THE SPACES DURING THE DAY, THEY WILL NOT USE THEM IN THE EVENING. AND IT'S GOING TO BE EASY FOR US TO ADMINISTER THAT ONE LEASE. THEY ARE ALSO PROVIDING ASSISTANCE TO US IN TERMS OF SECURITY IN THE GARAGE. THEY'LL HAVE SECURITY PERSONNEL THAT WILL BE MONITORING THE GARAGE AS PART OF THIS AGREEMENT AND HELPING -- PART OF THIS AGREEMENT AND HELPING US ENSURE THAT THEIR EMPLOYEES DO NOT PARK, FOR EXAMPLE, IN SPACES WHERE THEY ARE NOT SUPPOSED TO PARK. BUT BEYOND THAT, MAYOR, I THINK THE NEXT STEP FOR THE GARAGE WOULD BE FOR US TO WORK ON THE RETAIL SPACES THAT WE HAVE PUT IN THE GARAGE ON THE FIRST FLOOR AND THEN LOOK AND SEE WHAT OTHER ARRANGEMENTS WE MIGHT BE ABLE TO MAKE WITH WHOMEVER WANTED TO ENTER INTO SPACES.

Mayor Wynn: THANK YOU, MR. STEPHENS. SO IF THEN OTHER, YOU KNOW, OFFICE USERS, OTHER DAYTIME POTENTIAL PARK OR CONTRACT PARKERS IN THAT IMMEDIATE AREA WANT TO LEASE SPACE IN THE GARAGE, IS THAT AVAILABLE TO THEM?

AGAIN, WHAT WE WOULD LIKE TO DO IS SEE WHAT HAPPENS WHEN WE PUT THE RETAIL SPACES IN ON THE FIRST FLOOR. BEYOND THAT WE ARE CERTAINLY WILLING TO ENTERTAIN ANY OTHER POSSIBILITY WITH OTHER PEOPLE WHO WOULD NEED SPACE, LOOKING AT WHAT HAPPENS WHEN WE PUT

THE RETAIL SPACE IN, WHAT OUR PROJECTIONS ARE FOR CONVENTION CENTER EVENTS BEYOND THAT. BUT YES WE ARE CERTAINLY WILLING TO TALK TO THEM.

Futrell: THAT'S BECAUSE YOU ARE ASSESSING THE PARKING NEEDS RIGHT NOW OF THE RETAIL THAT'S GOING IN BEFORE YOU KNOW HOW MANY MORE PARKING SPACES ARE LEFT THAT COULD GO OUT FOR ANY DAYTIME OFFICE USERS IN THE AREA.

THAT'S CORRECT.

Futrell: DO YOU HAVE A SENSE OF HOW WE DETERMINED MARKET PRICE ON THIS LEASE, JOHN? IS IT COMPARABLE TO SPACE IN THE AREA?

IT IS. WE LOOKED AT MARKET RATES AND GOT WHAT WE THINK IS A MARKET RATE FOR THE LEASE. THE LEASE ALLOWS US TO ADJUST IT BY CPI AND IT ALSO HAS A PROVISION IN THERE THAT IF PARKING -- IF PARKING RATES ESCALATE DRAMATICALLY BEYOND THE CPI, WE ARE ABLE TO INCREASE IT FOR THAT ALSO.

Futrell: ADJUST THE RATES. OKAY.

Mayor Wynn: LASTLY, YOUR -- THE PROJECTION AS TO -- AGAIN WHAT IS THE PROCESS FOR THE RETAIL SPACE? ARE WE ACTIVELY LEASING IT NOW? ARE THERE LEASES PENDING? WHEN AND HOW WOULD WE GET SOME RETAIL BUSINESSES DOWN THERE?

LET ME HAVE BOB HODGE THE DIRECTOR OF THE CONVENTION CENTER ADD THAT QUESTION, MAYOR.

Mayor Wynn: THANK YOU, WELCOME, MR. HODGE.

GOOD MORNING, MAYOR, COUNCILMEMBERS.

Futrell: YOU THOUGHT YOU ARE NOT GOING TO HAVE TO COME TO UP THE MICROPHONE.

WHERE WILL, I'M GLAD I'M ABLE TO. THANK YOU, MR. MAYOR, FOR ASKING SOMETHING THAT CALLED ME UP THEN.

[LAUGHTER] RIGHT NOW WE ARE WORKING WITH THE CITY LEGAL TO COME UP WITH AN R.F.P. KIND OF PROCESS TO GO OUT TO SEE WHO IS INTERESTED IN THE RETAIL SPACES. AND I THINK WE ARE VERY CLOSE TO BE ABLE TO GO OUT WITH THAT. WE ARE STILL REVIEWING THE LAST RENDITION TO MAKE SURE THAT WE HAVE IT THE WAY WE WANT IT TO GO OUT AND GO THROUGH A PROCESS TO DETERMINE WHO MIGHT BE INTERESTING IN BECOMING OR LEASING THE RETAIL AREAS. DEPENDING ON WHAT KIND OF BUSINESS OR ACTIVITY GOES IN THERE, WHAT PERIOD OF TIME PARKING DEMAND IT CREATES WILL HELP US, YOU KNOW, ADD THAT TO THE IMPACT OF THE -- OF THE LOTTERY COMMISSION TO SEE IF THAT WILL GIVE US A GOOD LOOK AT WHAT OUR DAYTIME COMMITMENT IS AT THAT POINT. AND ONCE WE HAVE THAT IN PLACE, THEN WE WOULD LOOK BEYOND THAT FOR MORE SMALLER INDIVIDUAL TYPE RENTERS IN THE GARAGE.

SO, BOB, MAYBE THE NEXT MONTH, TWO MONTHS BEFORE THE R.F.P. IS ON THE STREET FOR THE RETAIL.

HOPEFULLY, IT WILL BE IN THE NEXT MONTH WE CAN GET THAT OUT. I DON'T WANT TO PUT OUR LEGAL COUNSEL ON -- ON THE -- ESSENTIALLY SITTING RIGHT BEHIND ME BACK THERE ABOUT HOW SOON IT'S GOING TO GET ALL DONE, BUT IT SHOULD BE SOON.

Futrell: OKAY.

Mayor Wynn: THANK YOU, MR. HODGE. FURTHER QUESTIONS? STAFF, COMMENTS, COUNCIL? IF NOT I'LL ENTERTAIN A MOTION ON ITEM NO. 3. MOTION MADE BY COUNCILMEMBER DUNKERLY, THAT I'LL SECOND, TO APPROVE ITEM NO. 3, APPROVING THE NEGOTIATION, EXECUTION OF THIS LEASE WITH THE TEXAS LOTTERY COMMISSION. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 1-0 WITH THE MAYOR PRO TEM OFF THE DAIS. THANK YOU ALL VERY MUCH. SO, COUNCILMEMBER ALVAREZ HAD PULLED ITEM

NO. 8 AND 9 RELATED TO THE TRANSIT ORIENTED DEVELOPMENT DISTRICTS, T.O.D.'S. AND AT THIS TIME WE ARE GOING TO TRY TO REKINDLE THAT DISCUSSION, AND WALK THROUGH OUR MOTION SHEET.

Alvarez: THANK YOU, MAYOR. TO REFRESH OUR MEMORY ABOUT WHERE WE ARE, BASICALLY, AT THE LAST COUNCIL MEETING, WE HAD -- THERE WAS A MOTION ON THE TABLE FOR FINAL APPROVAL OF THE T.O.D. ORDINANCE. A COUPLE OF FRIENDLY AMENDMENTS HAVE BEEN ACCEPTED BY THE MAKER OF THE MOTION AND THE SECOND. AND SO IF YOU LOOK AT YOUR MOTION SHEET, IT SAYS THE PENDING MOTION, FRIENDLY AMENDMENT 1, FRIENDLY AMENDMENT 2. NOW, THERE WAS A CHANGE TO THE LANGUAGE AS LISTED IN FRIENDLY AMENDMENT 2. AND SO THAT'S ONE OF THE THINGS THAT JUST WAS -- WAS DISTRIBUTED IN THE ORANGE PAPER. AN ORANGE COLORED PAPER IS THE REVISED LANGUAGE WITH THE MAP THAT CORRESPONDS TO THAT -- TO THAT ITEM. OR THAT CHANGE. I THINK WHEN WE DISCUSSED THIS THERE WAS TWO DIFFERENT WAYS TO APPROACH IT. ONE ZONE ALL OF IT AS A TRANSITION WHICH WAS WHAT WAS ACTUALLY ACCEPTED AS A FRIENDLY AMENDMENT OR TO DESIGNATE THAT CAPITAL METRO 11 ACRES WITH A SEPARATE TYPE OF DESIGNATION. BUT WHEN THE AMENDMENT WAS ACCEPTED, THE INTENT WAS THAT IT ALL BE ZONED AS A TRANSITION ZONE. SO THAT'S WHAT THE ORANGE SHEET AND THE MAP THAT'S ALSO IN THAT SAME COLORED PAPER REFLECT. SO THEN THAT TAKES US TO THE -- I THINK NUMBER 4, I BELIEVE, LISTED IN THE MOTION SHEET. AND THERE'S ALSO AN ORANGE SHEET THAT WE DISTRIBUTED WITH THE REVISED LANGUAGE FOR THAT AMENDMENT. AND SO THIS ORANGE SHEET SAYS ITEM 8, T.O.D. MOTION, LINE 4, I BELIEVE THAT REFERS TO AMENDMENT 4. TO JUST TO WALK THROUGH THAT REAL QUICKLY.

Mayor Wynn: YES, PLEASE.

Alvarez: THIS ONE AGAIN THE ORDER IS A LITTLE DIFFERENT THAN THE WAY IT WAS PRESENTED LAST MEETING, BUT I BELIEVE THE SUBSTANCE OF WHAT WE ARE -- WE WILL BE VOTING ON IS BASICALLY VERY SIMILAR, THE SAME. BUT ITEM 7 TALKS ABOUT T.O.D.'S LOCATED OUTSIDE OF THE

CPNR ZONE AREA, SO IT ESTABLISHES THESE GOALS AS LISTED IN NUMBER 7 FOR THOSE DISTRICTS. SO IN B 8, THEN WE ARE TALKING ABOUT SORT OF THE GOALS, AFFORDABLE HOUSING GOALS FOR T.O.D. DISTRICTS LOCATED WITHIN THE CPNR ZONE. SO THAT'S -- SO THAT'S -- SETS THE GOAL AT 25% OF THE UNITS DEVELOPED WOULD BE AFFORDABLE AND THEN ITEMS I AND -- I AND II STIPULATE THE GOALS THEMSELVES FOR HOME OWNERSHIP AND RENTAL. IT'S IN THIS AREA WHERE WE HAVE HAD A REQUEST FROM THE TRANSIT COALITION TO INCLUDE THE DEEPER TARGETING IN TERMS OF THE GOALS AND SO THAT PART OF THAT WAS INCLUDED IN THE -- THE SECOND ITEM THAT II PORTION OF 8 A. SO THAT'S WHERE YOU SEE THE STRATIFIED GOALS FOR HOUSING. SO ITEM B AS WE TALKED ABOUT THE -- THE IDEA OF A SAPP ON AREA PLAN RECOMMENDING CHANGES TO THE SITE DEVELOPMENT REGULATIONS THAT WOULD ALLOW FOR MORE DENSITY. SO THE LANGUAGE WAS A LITTLE -- A LITTLE MORE, I DON'T KNOW, GENERIC BEFORE WHERE IT SAID ANY CHANGES THAT ARE -- THAT ARE ALLOWED, THAT ARE MORE PERMISSIVE THAN WHAT CURRENTLY EXISTS WOULD TRIGGER THIS AFFORDABLE HOUSING REQUIREMENT. WHAT THIS SAYS IT'S ONLY IF THERE'S A HEIGHT INCREASE RECOMMENDED WITH THE -- WITH THE -- WITH THE GOALS FOR AFFORDABLE HOUSING BECOME MANDATORY BECAUSE OTHERWISE WE WOULD BE LOOKING AT ANY CHANGE TO SETBACKS OR, YOU KNOW, OTHER MORE MINOR TYPE OF SITE DEVELOPMENT REGULATIONS THAT COULD BE CONSEQUENCE CONSTRUED AS PROVIDING OR ALLOWING FOR MORE DENSITY, WE KIND OF TOOK A STEP BACK AND SAID WELL HEIGHT IT REALLY IN THIS AREA WHICH WOULD GOVERN DENSITY BECAUSE YOU HAVE A 40-FOOT HEIGHT OR A 60-FOOT HEIGHT F.A.R. OR ANY OF THESE OTHER KINDS OF SITE DEVELOPMENT RESTRICTIONS REALLY WOULDN'T GIVE YOU THAT MUCH MORE POTENTIAL FOR DENSITY. THAT'S WHY WE -- THAT'S DIFFERENT FROM -- FROM WHAT THE LANGUAGE WAS BEFORE UNDER 8 B. IN TERMS OF THE ACTUAL GOALS THAT WOULD BE REQUIRED IF ADDITIONAL HEIGHT IS GIVEN, IT WOULD BE THOSE LISTED UNDER B 2 OR B-II, WHICH WOULD BE THE TARGET WOULD BE 60% M.F.I. FOR HOME OWNERSHIP AND 50% M.F.I. FOR RENTAL. THEN ITEM 9 WAS PULLED OUT OF THAT SECTION BECAUSE THE -- IT SEEMED LIKE THE INTEREST OF THE

COUNCIL WAS JUST TO HAVE THIS PORTION APPLIED AS THE SALTILLO T.O.D. DISTRICT ONLY. WHAT THIS SAYS IS IN THE TRANSITION ZONE FOR THE PLAZA SALTILLO T.O.D. DISTRICT, THEN, YOU KNOW, THE PLAN MAY NOT PRESCRIBE CHANGES TO THE SITE DEVELOPMENT REGULATIONS THAT INCREASE BUILDING HEIGHT. SO BEFORE THAT WAS INCLUDED IN, YOU KNOW, WOULD HAVE APPLIED TO ANY T.O.D. WITHIN THE CPNR ZONE AREA, SO NOW THAT RESTRICTION ONLY APPLIES FOR SALTILLO. THAT'S WHAT'S ON THE TABLE CURRENTLY. I THINK ALL OF THE LANGUAGE IS -- AT LEAST -- EVERYTHING IS WORDED I THINK CORRECTLY THIS TIME. I'LL OPEN IT UP FOR QUESTIONS FOR FOLKS WHO MIGHT WANT TO DISCUSS SOME OF THE CHANGES THAT HAVE OCCURRED. I DON'T THINK THEY ARE SUBSTANTIVE, MORE COSMETIC IN DESCRIBING HOW WE ARE TRYING TO DO.

Mayor Wynn: THANK YOU VERY MUCH, COUNCILMEMBER FOR A LOT OF WORK AND A GOOD EXPLANATION. COUNCIL, WE HAVE PROPOSED FRIENDLY AMENDMENT SHOWN AS ITEM NO. 4 ON OUR MOTION SHEET. QUESTIONS, COMMENTS?

McCracken: MAYOR, I'LL ACCEPT THAT AS A FRIENDLY AMENDMENT.

Mayor Wynn: ITEM NO. 4 ACCEPTED AS FRIENDLY BY THE MAKER. COUNCILMEMBER THOMAS? AND THE SECONDER. SO WE HAVE A THIRD ACCEPTED FRIENDLY AMENDMENT NOW TO THE MAIN MOTION. COUNCILMEMBER ALVAREZ?

Alvarez: AFTER HAVING MADE THAT STATEMENT THAT ALL OF THE LANGUAGE IS CORRECT, I BELIEVE WE HAD A REPRESENTATIVE FROM THE LAW DEPARTMENT WHO WANTED TO CLARIFY SOMETHING. MY APOLOGIES.

Mayor Wynn: THAT'S OKAY, WELCOME.

COUNCIL, IN PREPARING THIS AMENDMENT, LANGUAGE WAS ACCIDENTALLY CUT OUT OF B 7, THE FIRST SENTENCE SHOULD READ OUTSIDE A COMMUNITY PRESERVATION AND REVITALIZATION ZONE SHALL INCLUDE A HOUSING AFFORDABILITY ANALYSIS AND FEASIBILITY REVIEW THAT DESCRIBES POTENTIAL STRATEGIES FOR ACHIEVING A GOAL

OF, COLON, THEN INTO SUBPARAGRAPH A.

Mayor Wynn: ABC, OKAY. BUT LEGAL STAFF HAS THAT LANGUAGE READY TO GO.

WE DO.

Mayor Wynn: YOU ARE CRAFTING THE ORDINANCE ANYWAY.

WE ARE.

McCracken: I ACCEPT THAT.

Thomas: YES.

Alvarez: THAT WAS THE INTENT, MAYOR, THANK YOU.

Mayor Wynn: YES. SO MOTION NUMBER -- OR LINE ITEM NO. 4 IS ACCEPTED AS FRIENDLY, BACK TO THE MAIN MOTION. SO TIPPING ON THEN, ITEM NO. -- SO CONTINUING ON THEN, ITEM NO. 5. THIS IS ACTUALLY ONE OF THE REQUESTED CHANGES BY COUNCILMEMBER SLUSHER, I BELIEVE. ALTHOUGH PERHAPS STAFF WOULD WALK US THROUGH IT.

I'M GEORGE ADAMS WITH THE NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT. JUST TO REFRESH ON THIS -- ON LINE 5, ON MARCH 24th, COUNCILMEMBER SLUSHER PROPOSED AN AMENDMENT TO SECTION 25-2-716.23 B TO ADD SOME LANGUAGE TO READ: AMENDMENTS TO A STATION AREA PLAN MAY BE PROPOSED BY LANDOWNERS NOT MORE THAN ONCE PER CALENDAR YEAR FOR PROPERTY OWNED. THAT WAS ACCEPTED AND APPROVED AS PART OF SECOND READING. AS PART OF THIS ITEM ON THE MOTION SHEET, WHAT STAFF HAS SUGGEST -- IS SUGGESTING IS THAT WE MAKE SOME SLIGHT REFINEMENTS TO THAT. FOR AREAS THAT ARE COVERED BY AN ADOPTED NEIGHBORHOOD PLAN, WHAT WE ARE PROPOSING IS THAT THOSE AREAS FOLLOW THE NEIGHBORHOOD PLAN AMENDMENT PROCESS AND THAT WAS LAID OUT IN AN ORDINANCE -- LAID OUT IN AN ORDINANCE ADOPTED BY THE COUNCIL. FOR AREAS, FOR T.O.D.'S OUTSIDE OF ADOPTED NEIGHBORHOOD PLANS, WHAT WE ARE PROPOSING IS ESSENTIALLY THE SAME FRAMEWORK, WE ARE JUST

PULLING OUT THE RELEVANT SECTIONS FROM THE NEIGHBORHOOD PLAN AMENDMENT ORDINANCE, THOSE ARE WHAT IS SHOWN IN SUBSECTION D IN THE FAR RIGHT-HAND COLUMN UNDER STAFF COMMENTS. AND ESSENTIALLY IT PRESERVES THE INTENT OF THE ORIGINAL AMENDMENT SO THAT PROPERTY OWNERS CAN PROPOSE AMENDMENTS FOR AS MANY PROPERTIES AS THEY OWN. REALLY WHAT IT DOES IS IT STRUCTURES IT IN TERMS OF WHEN THOSE AMENDMENTS ARE ACCEPTED DURING THE YEAR, IT PROVIDES SOME EXCEPTIONS TO THAT RULE FOR -- FOR SMART HOUSING PROJECTS, IN CASES WHERE THERE ARE CLERICAL ERRORS OR SIMILAR OCCURRENCES. BE IN GLAD TO ANSWER ANY QUESTIONS ON IT.

THANK YOU, MR. ADAMS, QUESTIONS, COMMENTS?
COUNCILMEMBER SLUSHER?

Slusher: MAYOR, THE ORIGINAL INTENT WAS JUST TO, BECAUSE OF THE WORDING OF IT, IT COULD BE INTERPRETED THAT A PROPERTY OWNER THAT OWNED MORE THAN ONE PROPERTY COULD ONLY BRING IN ONE OF THOSE PROPERTIES EVERY YEAR, SO WE WANTED TO MAKE IT APPLY TO THAT PROPERTY. I THINK WHAT THE STAFF JUST LAID OUT IS PROBABLY FINE. IT SEEMS A LOT LONGER THAN WHAT WE WERE TRYING TO DO. COULDN'T IT JUST SAY IN AREAS WHERE THERE'S A NEIGHBORHOOD PLAN THAT THE NEIGHBORHOOD PLANNING PROCESS WILL BE FOLLOWED? I'M NOT SURE THAT I FOLLOWED ALL OF THE OTHER STUFF.

YES, COUNCILMEMBER. THAT'S ESSENTIALLY WHAT SUBSECTION C OVER IN THE RIGHT-HAND COLUMN DOES INDICATE THAT. IT SAYS FOR A STATION AREA PLAN THAT'S WITHIN AN ADOPTED NEIGHBORHOOD PLAN PLAN ... MUST BE IN ACCORDANCE WITH THE NEIGHBORHOOD PLAN PROCESS.

Slusher: WHAT ABOUT D, 1, 2, EVERYTHING UNDER THAT ADDITIONAL --

THAT DESCRIBES THE ROSE FOR THE STATION AREA PLANS THAT AREN'T PART OF NEIGHBORHOOD PLANS CURRENTLY,

WHICH IS FOR -- THREE OF THE SIX.

Slusher: THAT'S WHAT WAS ALREADY IN THE ORDINANCE?

WHAT WE DID WITH SUBSECTION D IS PULLED OUT THE RELEVANT SECTIONS OF THE NEIGHBORHOOD PLAN AMENDMENT ORDINANCE. SO FOR EXAMPLE IT SAYS THAT AMENDMENTS TO THE STATION AREA PLAN WILL BE SUBMITTED AT THE SAME -- IN THE SAME MONTHS AS AMENDMENTS TO NEIGHBORHOOD PLANS, SO IF YOU ARE WEST OF I-35, THERE'S A MONTH SET ASIDE ONCE PER YEAR THAT ANY PROPERTY OWNER CAN FILE AMENDMENTS IF YOU ARE EAST OF I-35 THERE'S A DIFFERENT MONTH. SO THAT IT PROVIDES SOME STRUCTURE AS TO WHEN THE AMENDMENTS ARE ACTUALLY FILED. THE OTHER THING SUBSECTION D DOES IS PROVIDE ADDITIONAL LATITUDE IN TERMS OF ACCEPTING AMENDMENTS. I CAN GO THROUGH THOSE, IF YOU'D LIKE. BUT SO FOR EXAMPLE FOR A SMART HOUSING PROJECT, THE DIRECTOR CAN ACCEPT AN AMENDMENT AT ANY TIME FOR A PROJECT THAT IMPROVES COMPLIANCE WITH ENVIRONMENTAL REGULATIONS, FOR A PROJECT IN WHICH THERE WAS SOME SORT OF A CLERICAL ERROR IN THE -- IN THE STATION AREA PLAN. SO IT GIVES ACTUALLY SOME ADDITIONAL LATITUDE FOR THOSE AMENDMENTS AS WELL.

Slusher: OKAY. SO THIS, FOR INSTANCE, TWO -- D 2 C 1, THE -- PROVIDES ENVIRONMENTAL PROTECTION THAT'S SUPERIOR TO THE PROTECTION THAT WOULD OTHERWISE BE ACHIEVED UNDER THE EXISTING STATION AREA PLAN, IS THAT SOMETHING THAT STAFF IS JUST ADDING ON TODAY?

NO, SIR. THAT WAS -- THAT'S ACTUALLY INCLUDED IN THE NEIGHBORHOOD PLAN AMENDMENT ORDINANCE. SO WE -- WE PULLED THAT OUT, WE FELT LIKE THAT WAS LANGUAGE THAT --

Slusher: SAME THING APPLIES.

-- HERE AS WELL.

Slusher: THAT -- I THINK WE HAD THIS DISCUSSION AT THE TIME OF THE NEIGHBORHOOD PLAN, I DON'T WANT TO DO

THAT AGAIN [LAUGHTER], BUT IT JUST -- THAT ONE WORRIES ME THAT YOU COULD PROBABLY GOOD THING, BUT THEN IT COULD ALSO END UP WITH A LOT OF INDIVIDUAL CASES BEFORE THE COUNCIL AND DEBATE OVER WHETHER IT'S ACTUALLY IMPROVING IT OR NOT. ANYWAY, OKAY, I THINK THAT WILL WORK.

Mayor Wynn: THANK YOU, MR. ADD DAMS, QUESTIONS, COMMENTS? SO WE HAVE A PROPOSED AMENDMENT LINE ITEM NO. 5. MAKER OF THE MOTION.

McCracken: ACCEPT AS FRIENDLY.

Mayor Wynn: COUNCILMEMBER THOMAS? OKAY. SO WE HAVE AN ADDITIONAL FRIENDLY AMENDMENT TO THE MAIN MOTION, SO CONTINUING ON. THE 6th LINE ITEM. WHICH WAS NOT IN THE MARCH 24th DRAFT ORDINANCE. PERHAPS IF -- COUNCILMEMBER ALVAREZ?

Alvarez: THANK YOU, MAYOR, I THINK THIS WAS A REQUEST FROM -- LISTS IT HERE AS ONE OF COUNCILMEMBER SLUSHER'S RECOMMENDATIONS, BUT I WAS WONDERING IF STAFF COULD SPEAK TO THEIR COMMENT BECAUSE I BELIEVE IT WAS RAISED FROM A SPECIFIC PROPERTY OWNER ASKING FOR AN EXEMPTION BUT THAT WAS A REQUEST THAT WAS MADE VERY EARLY IN THE PROCESS AND SO I WAS -- BECAUSE I KNOW WE HAVE AN EXEMPTION FOR LOTS 5,000 SQUARE FEET OR LESS. TO SOME OF THESE REQUIREMENTS BUT THE REQUEST WAS TO BUMP THAT UP TO 8,000 OR THE THOUSAND, I CAN'T RECALL WHAT THE INDIVIDUAL RECOMMENDED. BUT COULD YOU -- COULD YOU KIND OF EXPLAIN THAT A LITTLE MORE SO WE KNOW WHAT, YOU KNOW, THE PERSON IN THAT SITUATION, YOU KNOW, WHAT ADDITIONAL RESTRICTIONS WOULD APPLY TO THEM?

OKAY. THERE'S ACTUALLY A COUPLE OF DIFFERENT THINGS GOING ON HERE. THE ISSUE IN LINE 6 OF THE MOTION SHEET IS IN AN EARLIER VERSION OF THE ORDINANCE, WE HAD MINIMUM HEIGHT REQUIREMENTS THAT WERE ESTABLISHED FOR THE T.O.D.'S, RAISED A LOT OF CONCERNS, ESPECIALLY FOR OWNERS OF SMALL SITES AND SO AT SOME POINT IN THE PROCESS WE BUILT IN THIS EXEMPTION FOR LOTS THAT ARE SMALLER THAN 8,000 SQUARE FEET. TO JUST SAY THAT

IF YOU HAVE A LOT THAT'S 8,000 SQUARE FEET OR SMALLER, YOU WOULD NOT BE SUBJECT TO THE MINIMUM HEIGHT REQUIREMENTS. SUBSEQUENT TO THAT, WE PULLED OUT THE MINIMUM HEIGHT REQUIREMENT AND ALSO PULLED OUT THIS EXEMPTION PROVISION FOR THE 8,000 SQUARE FOOT LOTS. SO THAT'S -- THAT'S LINE 6. IN THE ORDINANCE CURRENTLY, THERE'S A SECTION THAT -- THAT SAYS FOR A BUILDING ADDITION THAT IS LESS THAN 5,000 SQUARE FEET, YOU CAN BE EXEMPT FROM THE MINIMUM -- I MEAN THE MAXIMUM FRONT AND SIDE SETBACK REQUIREMENTS THAT ARE IN THE ORDINANCE. SO IT'S ACTUALLY A SEPARATE -- SEPARATE PROVISION AND CURRENTLY THERE IS NO PROVISION IN THE ORDINANCE THAT SAYS IF YOU HAVE A LOT LESS THAN WHATEVER THE SQUARE FOOTAGE NUMBER IS, YOU DON'T HAVE TO COMPLY WITH THESE STANDARDS. THERE'S -- THERE'S NOTHING IN THE ORDINANCE CURRENTLY THAT -- THAT GIVES THAT KIND OF BLANKET EXEMPTION.

THAT GOT -- THE 5,000 PART GOT REMOVED, ALSO.

THE 5,000 IS IN THERE, BUT IT ONLY APPLIES TO BUILDING ADDITIONS OF 5,000 SQUARE FEET OR GREATER. IT'S NOT A MINIMUM LOT SIZE --

Alvarez: IN ADDITION I SEE.

Alvarez: JUST SO I UNDERSTAND, I BELIEVE MR. FONTENE IS HERE, SO I MIGHT ASK HIM A QUESTION. BUT THE MAIN WAY THEY MIGHT BE AFFECTED IS BY THE SETBACK PROVISIONS.

THINGS THAT WOULD APPLY THROUGHOUT THE T.O.D.'S, THE MAXIMUM FRONT SETBACK AND THE PARKING, REDUCED PARKING REQUIREMENTS.

Alvarez: SO IN TERMS OF SETBACKS YOU ARE ACTUALLY REDUCING.

ESTABLISHING A MAXIMUM.

Alvarez: A MAXIMUM, WHICH IS ACTUALLY MORE BENEFICIAL TO THE PROPERTY OWNER THAN THE CURRENT

RESTRICTIONS; IS THAT CORRECT?

IT CAN BE, YOU KNOW, I GUESS IT DEPEND ON WHAT -- HOW YOU ARE WANTING TO LAY YOUR SITE OUT. BUT YES IT DOES GIVE YOU MORE LATITUDE IN SOME CASES TO BRING THE BUILDING TO THE STREET.

Alvarez: OKAY. THEN IN TERMS OF PARKING, YOU SAY THIS IS ACTUALLY REDUCING THE -- THE PARKING REQUIREMENT FOR THE PROPERTY OWNER.

THAT'S CORRECT.

Alvarez: OBVIOUSLY THAT WOULD BE ADVANTAGEOUS TO THEM AS WELL.

THAT'S CORRECT.

Alvarez: THANK YOU, I WAS GOING TO ASK MR. PONTINE.

WELCOME BACK, THOMAS.

MY POINT WAS IN A VERY SMALL LOT IF YOU HAVE TO HAVE THE PARKING IN THE BACK [INDISCERNIBLE], BUILDING, AND A SMALL LOT BEING FAR AWAY FROM THE STREET DOESN'T REALLY -- HINDERS [INDISCERNIBLE] THAT'S THE POINT THAT I'VE BEEN TRYING TO [INDISCERNIBLE] I STARTED LIKE HE SAID BY ADD THANK TO THE MAXIMUM HEIGHT, BUT MY INTENTIONS WERE THAT SMALL LOTS WOULDN'T HAVE TO BE FORCED TO HAVE THE PARKING IN THE BACK. SOME LOTS MAY HAVE ALLEY ENTRANCE OR -- BUT SOME OF THEM DON'T. AND ACTUALLY AFTER SURVEYING 9,000 SQUARE FEET WOULD BE MORE REALISTIC. BUT THE REDUCED PARKING MAYBE AN INCENTIVE BECAUSE SOME OTHER PEOPLE MAY WANT TO HAVE REDUCED PARKING. I THINK IN THE SALTILLO AREA BECAUSE WE HAVE SO MANY OLD BUILDINGS THAT DON'T HAVE ANY PARKING AT ALL, WE ARE GOING TO HAVE A PROBLEM WITH PARKING. ORIGINALLY, EVERYBODY ELSE MAY THINK I'M CRAZY, I DON'T WANT TO HAVE REDUCED PARKING IN THAT AREA. WE HAVE TOO MANY OLD BUILDINGS THAT ARE DORMANT RIGHT NOW, ONCE THEY BECOME DEVELOPED WE ARE GOING TO HAVE

PARKING PROBLEMS.

Mayor Wynn: THANK YOU.

Alvarez: KIND OF FOLLOW-UP. I THINK ONE OF THE THINGS THAT THE WAY THIS IS INSTRUCTED/TURED, YOU ARE GOING TO ADD ON -- INCREASE YOUR GROSS FLOOR AREA BY MORE THAN 50%, THAT'S WHEN THESE REGULATIONS KICK IN.

SO I -- EXCUSE ME.

Alvarez: I WANT TO MAKE SURE THAT I'M READING THAT CORRECTLY. WOULD THAT AFFECT IN YOUR PARTICULAR SITUATION? ARE YOU LOOKING AT IT MORE FROM AN UNDEVELOPED LOT AND HOW THAT WOULD AFFECT THE -- [MULTIPLE VOICES] TRYING TO DEVELOP A VACANT LOT I GUESS.

MY STORY IS THAT IN 1986, MY WIFE AND I NEEDED A PLACE TO -- SMALL BUSINESSES, WE HAD A SMALL LOT, BUILT THERE. I'M TRYING TO PROTECT THE SMALL PEOPLE. IF YOU ARE GOING TO HAVE TO BUY SEVERAL LOTS NOW IN ORDER TO DEVELOP, A SMALL BUSINESS OWNERS WON'T BE ABLE TO OWN THEIR OWN BUILDINGS. SO TAKING INTO ACCOUNT THAT LOTS BEING SO SMALL, I THINK THE PARKING SETBACKS ON A SINGLE LOT IS WHEN IT'S GOING TO HURT. NOW, ABOUT ADDING TO THE BUILDINGS, THAT'S VERY COMPLICATED. VERY HARD TO RULE THAT BECAUSE ART ARCHITECTURALLY SOMETIMES IT'S HARD TO FIGURE OUT WHERE THE BUILDING IS GOING TO GROW.

THAT'S ALL OF THE QUESTIONS THAT I HAVE.

GREAT. THANK YOU.

I DON'T KNOW IF GEORGE WANTED TO RESPOND, MR. ADAMS WANTED TO RESPOND TO ANYTHING. BUT --

Mayor Wynn: GEORGE, JUST A SORT OF CLARIFY YOUR PERSPECTIVE ON THAT.

OKAY.

SEVERAL THINGS AS PART OF THE PARKING REFRESH MY MEMORY, THAT IS AN OPTION TO PROVIDE LESS PARKING, IT'S NOT A REFRESH MY MEMORY, WE ARE NOT STABBING A MAXIMUM PARKING -- ESTABLISHING A MAXIMUM PARKING REQUIREMENT OR SAYING YOU HAVE TO MEET THIS REDUCED PARKING REQUIREMENT, THAT'S AN OPTION. IN REGARD TO THE BUILDING SETBACK, WE TRIED TO BUILD IN THIS PROVISION FOR EXISTING STRUCTURES TO ADD ON AND NOT BE SUBJECT TO THAT, WE FEEL LIKE THAT MAKES A LOT OF SENSE. FOR NEW PROJECTS I THINK THERE'S MORE LATITUDE THERE THAN THE PERCEPTION MAY REFLECT. WE ARE NOT SAYING THAT THE ENTIRE FRONTAGE OF A -- OF A LOT HAS TO BE BUILDING ALONG IT. WE ARE SAYING WHEN THERE IS A BUILDING, SOME PORTION OF IT NEEDS TO BE NO FURTHER BACK THAN THAT 15-FOOT FRONT SETBACK. YOU CAN STILL HAVE PARKING TO THE SIDE, ALSO PARKING TO THE REAR. ONE OTHER POINT IS I THINK AS PART OF THE STATION AREA PLANS WE WILL HAVE THE ABILITY TO LOOK AT THIS ISSUE IN A LITTLE MORE DETAIL AND IDENTIFY AREAS WHERE THIS REALLY IS A SIGNIFICANT IMPEDIMENT AND WE CAN BUILD IN EXCEPTIONS OR EXEMPTIONS AT THAT POINT. I THINK THAT WOULD BE SOMETHING THAT WE WOULD CERTAINLY BE INTERESTED IN DOING AS FAR AS THOSE PLANS.

Alvarez: I GUESS THE ONLY POINT. MAYBE THAT'S SOMETHING THAT WE DO NEED TO LOOK AT MORE THOROUGHLY, MOVING FORWARD, BECAUSE IF YOU DO HAVE A LOT THAT'S NOT SO -- NOT VERY WIDE, THEN YOU ARE REQUIRING PARKING EITHER IN THE BACK OR IN THE -- ON THE SIDE. THAT DRIVEWAY TO GET YOU BACK THERE IS GOING TO TAKE UP A GOOD AMOUNT OF THAT STREET FRONTAGE THAT YOU HAVE FOR THAT PARTICULAR LOT. SO I THINK THAT MIGHT LIMIT THE AMOUNT THAT YOU COULD BUILD, CERTAINLY. THAT'S THE ONLY POINT THAT I WOULD MAKE. I DON'T KNOW IF THERE'S MAYBE A WAY TO CONTINUE THE DISCUSSION ON THIS ITEM. INSTEAD OF TRYING TO FIGURE OUT HOW WE MIGHT STRUCTURE, WORD IT TO FIT IN HERE UNLESS AGAIN OTHER COUNCILMEMBERS WANT TO TALK ABOUT INCLUDING IT SOMEHOW. I DON'T KNOW HOW WE WOULD ADD IT IN HERE TO THE -- TO KIND OF ADDRESS

THESE SITUATIONS WHERE YOU HAVE SMALL LOTS.

ONE IDEA OBVIOUSLY I DON'T THINK WE HAVE EXACT LANGUAGE FOR THIS, BUT WE COULD -- WE COULD INSERT A PROVISION IN THIS SECTION THAT SAYS THAT GIVES THE DIRECTOR THE AUTHORITY TO WAIVE THIS IF IT'S -- THE DIFFICULT PART IS COMING UP WITH THE CRITERIA UNDER WHICH IT WOULD --

MAYOR?

COUNCILMEMBER MCCRACKEN?

McCracken: I HAVE TO SAY BECAUSE THIS GETS TO -- I WILL STRONGLY OPPOSE ANY CHANGES TO THE FRONT SETBACK REQUIREMENT OF T.O.D.'S. I THINK IT WOULD FUNDAMENTALLY UNDERMINE THE WHOLE STRUCTURE OF THE T.O.D.'S. WHAT THIS WILL DO, IN MY OPINION, IS -- IS BE AN OPEN GREEN LIGHT TO FAST FOOD RESTAURANTS, NATIONAL RETAILERS, SUBURBAN DESIGN IN OUR T.O.D. DISTRICTS AND SO I THINK THAT WE HAVE -- EXISTING SMALL BUSINESSES GET TO KEEP THE CURRENT ORIENTATION, THAT DOESN'T CHANGE IN THIS. THIS IS TALKING ABOUT FUTURE NEW DEVELOPMENT. AND THE PEOPLE INTERESTED IN DOING FUTURE NEW DEVELOPMENT IN T.O.D. DISTRICTS WILL BE NATIONAL RETAILERS, MY IMPRESSION, SUBURBAN DESIGN. SO I UNDERSTAND MR. PONTINE'S INTEREST. I THINK THAT IS ADEQUATELY ADDRESSED IN THE CURRENT ORDINANCE. I THINK THIS WOULD OPEN A PANDORA'S BOX IN TERMS OF WHAT WE ARE TRYING TO ACHIEVE IN POLICY GOALS.

Mayor Wynn: ALWAYS, I HAVE SOME PERSONAL PROFESSIONAL EXPERIENCE ON THIS, I HAVE IN MY PAST CAREER OWNED A COUPLE OF LOT LINE BUILDINGS THAT HAVE NO PARKING. MY INSTINCT IS PARTICULARLY IN THE PLAZA SALTILLO AREA, BECAUSE OF THE NUMBER OF OLDER LOT LINE BUILDINGS THERE, WE LIKELY WILL SEE, YOU KNOW, THIRD PARTY SHARED PARKING ELEMENTS DELIVERED THERE. THAT IS ONE OF THE POTENTIAL PARKING DEMANDS, AS LIKELY AS SOME OF THESE DEVELOPERS STEP IN, BUILDERS STEP IN AND START UTILIZING THE MAKE UP OF THIS ORNLZ, ORDINANCE,

FRANKLY THE INCENTIVES IN THIS ORDINANCE, YOU WILL SEE SORT OF THESE MULTI-FACILITATED PROPERTIES, YOU KNOW, COMING TOGETHER. SO I -- I AM HOPEFUL THAT THE CONCERNS HERE ARE ADDED IN A FUNDAMENTAL ORDINANCE. MY INSTINCT IS THAT WE ARE GOING TO SEE THE MARKET SORT OF FIGURE OUT HOW TO UTILIZE SOME OF THESE BUILDINGS IN THE MOST APPROPRIATE WAY AND, YOU KNOW, PARKING WILL BE, YOU KNOW, WILL BE DELIVERED. SO WITH THAT PERHAPS WE MOVE ON AND DON'T TAKE UP LINE ITEM NO. 6. COUNCILMEMBER ALVAREZ?

Alvarez: MAYOR, THE ONLY THING THAT I WOULD SAY IS I THINK THE POINT MR. PONTINE WAS MAKING WAS IF YOU HAVE SORT OF A FAMILY IN EAST AUSTIN THAT'S OWNED A VACANT PIECE OF LAND FOR A LONG TIME, THAT NOW THAT - - FOR A LONG TIME, NOW THAT THEY HAVE AN OPPORTUNITY TO DEVELOP IT, THEY WOULD BE MORE LIMITED IN HOW THEY COULD DO THAT. YES, MAYBE A NATIONAL CHAIN COULD COME IN AND AFFORD TO DEVELOP IT THAT WAY, BUT IT'S KIND OF LOOKING MORE AT HOW DO WE ALLOW FOLKS WHO HAVE LIVED THERE AND BEEN HERE IN THAT NEIGHBORHOOD FOR A LONG TIME ALSO TAKE VACADVANTAGE OF THIS NEW INTEREST IN DEVELOPMENT OR REVITALIZATION THIS MIGHT BRING. I WOULD LIKE TO AT LEAST CONTINUE LOOKING AT IT, MAYBE I WILL DO THAT INDIVIDUALLY WORKING WITH THE COUNCIL AND -- AND SOME NEIGHBORHOOD FOLKS. BUT -- BUT THAT'S KIND OF WHERE I'M COMING FROM IN TERMS OF HOW DO WE LOOK AT -- SORT OF THE MOM AND POP SITUATION WHERE THEY'VE HAD AN INVESTMENT FOR A LONG TIME AND -- AND WHETHER THEY CAN TAKE ADVANTAGE OF IT OR -- AS MUCH AS SOMEONE ELSE WHO -- WHO SEES NOW A NEW OPPORTUNITY, WANTS TO COME IN AND TAKE ADVANTAGE OF THIS. THANK YOU.

Mayor Wynn: THANK YOU, WELL, ACTUALLY I WOULD -- I THINK THE WHOLE COUNCIL ENCOURAGES US TO CONTINUE TO, YOU KNOW, THINK ABOUT THESE, WORK THROUGH THESE. THE LEFT ARMEST ORDINANCE SEEMED TO THIS IS NEW GROUND FOR US, AS A CITY, AS A STAFF, AS A -- YOU KNOW, COMMUNITY TO -- TO GET THEIR ARMS AROUND. AS WE SEE [INDISCERNIBLE] ON THE GROUND IN SHORT TERM AND LONG TERM, WE CONTINUE TO ADDRESS THESE AS WE DO

ALL ORDINANCES. SO THANK YOU.

LINE ITEM NO. 7 RELATES BACK TO SOME OF THE SUGGESTIONS WE RECEIVED FROM THE TRANSIT COMMUNITY'S COALITION. I'M NOT SURE IF MR. ADAMS OR MR. HILGERS COULD WALK US THROUGH OUR MOTION SHEET, LINE ITEM NO. 7. AGAIN WE STILL HAVE A MAIN MOTION AND A SECOND ON THE TABLE WITH SEVERAL FRIENDLY AMENDMENTS.

THANK YOU, PAUL HILGERS, LET ME FIND THE RIGHT SPOT ON THE MOTION SHEET. 7 AS I UNDERSTAND THE STAFF COMMENTS AND RECOMMENDATION AT THIS POINT, THE -- THE -- CURRENT ORDINANCE AS PROPOSED HAS THE STATION AREA PLAN, ADOPTED ON SECOND READING, LET ME GO THROUGH IT THAT WAY, COUNCIL. STATION AREA PLAN SHALL INCLUDE A HOUSING AFFORDABILITY ANALYSIS AND FEASIBILITY REVIEW THAT DESCRIBES POTENTIAL STRATEGIES FOR ACHIEVING A GOAL ... TO SERVE LOW AND MODERATE INCOME FAMILIES INCLUDING HOME OWNERSHIP OPPORTUNITIES FOR FAMILIES AT 80% OF M.F.I. AND RENTAL HOUSING FOR FAMILIES AT BELOW 60% OF THE MEDIAN FAMILY INCOME. IT HAD BEEN CHANGED TO ... [READING] A GOAL OF AT LEAST 5% OF NEW HOUSING WITHIN EACH T.O.D. SERVING FAMILIES AT THE FOLLOWING INCOME LEVELS: HOME OWNERSHIP OPPORTUNITIES FOR FAMILIES AT OR BELOW 80% OF MEDIAN FAMILY INCOME AND RENTAL HOUSING SERVING FAMILIES AT OR BELOW 50%. THAT WAS THE PROPOSED AND RECOMMENDED CHANGE BY THE AUSTIN TRANSIT COMMUNITIES COALITION. STAFF RECOMMENDATIONS ARE TO REVISE SUBSECTION 25, SECTION B 7 TO READ SHALL INCLUDE A A HOUSING AFFORDABILITY ANALYSIS AND FEASIBILITY REVIEW THAT DESCRIBES POTENTIAL STRATEGIES FOR ACHIEVING A GOAL OF 25% OF HOUSING WITHIN EACH T.O.D. SERVING FAMILIES AT THE FOLLOWING INCOME LEVELS. GOES TO HOME OWNERSHIP OPPORTUNITIES FOR FAMILIES AT OR BELOW 80% OF MEDIAN FAMILY INCOME ... AGAIN LET ME JUST STATE IN ALL OF THE -- LET ME STATE STAFF'S POSITION IN A LITTLE MORE GENERAL WAY ON THESE ISSUES. THAT IS THAT STAFF'S POSITION HAS BEEN THAT THE GOALS, THAT THE FEASIBILITY ANALYSIS AND THE HOUSING AFFORDABILITY NEEDS TO BE DONE ON A STATION AREA

PLAN BASIS. THE MINIMUM GOALS OF 80 AND 60, BUT ALSO INCLUDED IN THE ANALYSIS WOULD BE THE -- WHAT WE ARE CALLING THE STRETCH GOALS. 10% FROM 10% TO 70% -- 70 TO 60, 5% BELOW 60% FOR HOME OWNERSHIP, RENTAL 60% TO 50%, 50% TO 40%, 5% BELOW 40% FOR RENTAL. AGAIN THAT WOULD BE PART OF THE ANALYSIS. THEN WE COULD DO THE ANALYSIS OF WHAT WOULD BE REQUIRED FOR PUBLIC INVESTMENTS TO ACCOMPLISH THOSE GOALS. THAT WOULD BE PART OF THE STATION AREA PLANNING PROCESS. SO WE THINK THAT THAT RECOMMENDATION CONSISTENT WITH THAT POSITION.

I ALSO WANTED TO CLARIFY YOUR PREVIOUS MOTION ON THE AMENDED ITEM 4 I THINK ADDRESSES THE SAME ISSUES NOT IN THE EXACT SAME LANGUAGE, BUT -- BUT IT -- IT IS DEALING WITH THESE SAME ISSUES AND SO ANY ACTION THAT YOU WOULD TAKE ON 7 AND 8 COULD BE CONTRARY TO THAT -- TO THAT PREVIOUS MOTION. YES.

JUST TO CLAIRE CLARIFY THAT, AGAIN, TRYING TO GO THROUGH THIS AND TRANSLATE IT BACK TO WHAT WE DID -- WHAT YOU DID IN THE MOTION 4, THAT -- THAT THEN APPLIES IF YOU APPLY THEN THOSE CRITERIA TO INSIDE THE COMMUNITY PRESERVATION REVITALIZATION ZONES AS COUNCILMEMBER ALVAREZ DID, THEN THE GOALS BECOME 60, 60% AND 50%. AND THEN AS I UNDERSTAND THAT ANALYSIS WOULD THEN BE DONE AT THE 10%, 10%, 5%, AT THOSE GOALS AS WELL IN AREAS WHERE THE CPNR ZONE IS. THE OTHER THING THAT I THINK IS IMPORTANT. IS THAT STAFF IS PREPARED AND PROPOSES TO INCORPORATE, WE ARE GOING TO BE COMING BACK TO YOU IN ANOTHER 60, I GUESS 75 DAYS, WITH HOUSING RECOMMENDATIONS ON THE CPNR ZONE THAT ARE GOING TO HAVE ADDITIONAL TOOLS TAKE WE WILL HOPEFULLY -- THAT WE WILL HOPEFULLY IDENTIFY TO DEAL WITH THE ISSUES OF HOUSING AFFORDABILITY IN THE CPNR ZONE. WE WOULD ASSUME THOSE TOOLS AND INCENTIVES WOULD ALSO BE AVAILABLE FOR THESE TODD BOATWRIGHT AREAS AS WELL. SO IF -- FOR THESE TRANSIT ORIENTED DEVELOPMENT AREAS AS WELL, IF THAT CLARIFIES WHERE WE ARE, THAT'S THE INTENT OF WHAT STAFF IS PROPOSING AT THIS POINT. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

Mayor Wynn: THANK YOU, MR. HILGERS. QUESTIONS, COMMENTS? COUNCILMEMBER MCCRACKEN.

McCracken: MAYOR, MY UNDERSTANDING IS THAT 7 AND 8 HAVE ALREADY BEEN ADDRESSED BY NUMBER 4, AND THAT IN FACT BY ADOPTING 7 AND 8 MIGHT ACTUALLY CREATE INCONSISTENCIES WITH ITEM 4, SO I THINK I SUGGEST THAT WE STICK WITH ITEM 4, WHICH I THINK ADDRESSES, AS MR. HILGERS AND ADAMS POINTED OUT, ADDRESSES EVERYTHING IN 7 AND 8.

Mayor Wynn: THAT SEEMS TO BE MY UNDERSTANDING AS WELL. SO COUNCIL, WITHOUT OBJECTION, WE'LL MOVE ON TO LINE ITEM NUMBER 9. , WHICH IS NOT IN THE ORDINANCE WE PASSED ON SECOND READING. MR. HILGERS?

ITEM NUMBER 9 IS AGAIN -- SIMPLY A REQUEST TO ADD THE CITY MANAGER'S POLICY AND APPROXIMATE PROGRAMS FOR THE AFFORDABILITY GOALS. (READING). SIMILAR LANGUAGE IS IN THE RESOLUTION. SO THAT'S REALLY A FAIRLY MINOR CHANGE. AND STAFF IS NOT RECOMMENDING A CHANGE TO THE ORIGINAL VERSION.

Mayor Wynn: COUNCILMEMBER ALVAREZ.

Alvarez: BECAUSE I KNOW IN D, PART D OF THE RESOLUTION, IT TALKS ABOUT THE CITY MANAGER SHALL DIRECT COMMUNITY DEVELOPMENT OFFICER TO PURSUE POLICIES, PROGRAMS, ETCETERA. SO YOUR RECOMMENDATION WOULD JUST LEAVE IT THAT WAY AND NOT INCORPORATE THIS INTO IT?

YES, SIR. AND IF I COULD AT THIS POINT, SINCE YOU'VE BROUGHT UP THE RESOLUTION, THERE ARE SOME -- WHAT WE'RE PROPOSING AGAIN ON THE RESOLUTION ISSUE IS THAT THERE ARE SOME MORE TECHNICAL CLARIFYING LANGUAGE IN THE RESOLUTION THAT DOESN'T RELATE TO THE GOALS THAT ARE DIFFERENT THAN JUST THE AFFORDABILITY GOALS AS TO NUMBER 4. AND SIMILAR TO WHAT YOU JUST IDENTIFIED, COUNCILMEMBER. SO ANYTHING WHERE THE RESOLUTION IS REFERRING TO THE AFFORDABILITY GOALS WOULD BE INCLUDED IN THE ORDINANCE, BUT AS WE COME TO THE RESOLUTION, THEN

WE WOULD SEPARATE THOSE ISSUES OUT, LIKE, FOR EXAMPLE, THE TERMS OF AFFORDABILITY BEING 10% -- 10 YEARS OR 30 30 YEARS DEPENDING ON HOME OWNERSHIP OR RENTAL. BUT YES, WE WOULD INCORPORATE THOSE AS PART OF THE RESOLUTION.

Alvarez: I'M NOT QUITE THERE YET ON THE RESOLUTION. BUT WE'LL FOLLOW UP WITH YOU ON THAT. THANK YOU, MR. HILGERS.

Mayor Wynn: MR. ADAMS?

MAYOR, IF I -- I JUST WANTED TO POINT OUT THAT MOTIONS 10 THROUGH 17 HAVE BEEN PART OF THE MOTION SHEET SINCE ESSENTIALLY FIRST READING, AND COUNCIL HASN'T ACTED ON THOSE PREVIOUSLY. THERE'S NO REQUIREMENT THAT YOU REVISIT EACH OF THESE INDIVIDUALLY UNLESS YOU DESIRE TO. IT'S NOT LIKE A NEIGHBORHOOD PLAN WHERE WE'RE TAKING A ZONING CASE BY ZONING CASE AND YOU NEED TO TAKE A SPECIFIC VOTE ON EACH OF THESE. SO I JUST WANTED TO MAKE THAT POINT.

Mayor Wynn: THANK YOU. I JUST NOTICED THIS IS OUR LAST READING AND UNLESS COUNCIL FEELS OTHERWISE, IT ACTUALLY HELPS ME JUST TO WALK THROUGH AND REMEMBER SOME REQUESTS OF DIFFERENT STAKEHOLDERS GROUPS. SO BACK TO LINE ITEM NUMBER 8, COUNCIL, THIS WAS A SIMPLE INSERTION OF LANGUAGE ABOUT THE CITY MANAGER AND HER APPOINTEES -- NUMBER NINE. TO DEVELOP PROGRAMS THAT ACHIEVE AFFORDABILITY GOALS. COMMENTS, QUESTIONS? IT'S NOT CLEAR TO ME, FRANKLY, WHETHER IT'S NEEDED OR NOT. COUNCILMEMBER MCCRACKEN.

McCracken: I DON'T THINK IT'S NEEDED. AND I'M A LITTLE UNCOMFORTABLE WITH THE LANGUAGE ABOUT IT SAYING THAT THE CITY MANAGER IS DIRECTED TO ADOPT POLICIES WHEN IT'S COUNCIL'S DUTY TO ADOPT POLICIES. AND IT SEEMS LIKE IT'S ADDRESSED ELSEWHERE, SO APPARENTLY IT IS NOT NECESSARY. I DON'T THINK WE NEED IT.

Mayor Wynn: MAYOR PRO TEM.

Goodman: LET ME CHIME IN AND AGREE WITH THAT. IT'S NOT THE CITY MANAGER'S PLACE TO START GETTING INTO POLICY. IF SHE STARTS TRYING TO DO THAT, I THINK THAT WOULD BE VERY DIFFICULT. AND I'M SURE SHE'S NOT WANTING TO BE GIVEN THAT DIRECTION. [LAUGHTER]

Futrell: YES LET'S LET THE CITY MANAGER WEIGH IN ON THAT. SHE AGREES.

THE PLAN FOILED. [LAUGHTER]

Mayor Wynn: SO COUNCIL, WE'LL MOVE OFF OF NUMBER 9. AND AGAIN TO OPEN THIS UP. WHAT WE HAVE, AS MR. ADAMS POINTED OUT, THE REST OF THESE LINE ITEMS ARE ESSENTIALLY INDIVIDUAL REQUESTS OR RECOMMENDATIONS THAT WERE MADE AS PART OF THIS PROCESS THROUGHOUT THE MONTH WE'VE BEEN AT THIS. AND SO I'M COMFORTABLE WITH WHERE WE ARE ALREADY, BUT TO THE EXTENT THAT ANY COUNCILMEMBER WOULD LIKE TO BRING UP ANY OF THESE RECOMMENDATIONS, WHETHER IT RELATED TO THE DRIVE-IN PROHIBITION, SMART HOUSING, THEN NOW IS THE TIME TO BRING UP THE INDIVIDUAL COMMENTS. COUNCILMEMBER ALVAREZ.

Alvarez: MAYOR, THE COUNCIL THAT DID JUMP OUT AT ME WAS NUMBER 15 THAT TRIES TO INCORPORATE THE IDEA OF PUBLIC ART INTO THE STATION AREA PLANNING PROCESS OR INCORPORATING THAT INTO THE DISCUSSION. SO I DON'T KNOW. I'M NOT SURE IF B-10 WOULD BE THE RIGHT NUMBER, BUT I DON'T KNOW IF LAW CAN TELL US IF WE WANT TO INCLUDE THAT -- TO ADD THAT AS AN ITEM TO BE DISCUSSED DURING THE STATION AREA PLANNING PROCESS, HOW WE WOULD APPROPRIATELY NUMBER IT OR IF WE EVEN HAVE TO COME UP WITH A NUMBER AND JUST SAY INCORPORATE THAT INTO THE SECTION THAT DEALS WITH THE STATION AREA PLAN.

Mayor Wynn: RIGHT. GOOD COMMENT. MS. TERRY?

MARTHA TERRY, ASSISTANT CITY ATTORNEY. I THINK THE APPROPRIATE WAY TO DO THIS IS TO ADDRESS IT THROUGH THE CAPITAL METRO STATION DESIGN OR THE CITY'S ART IN PUBLIC PLACES PROGRAM AS RECOMMENDED BY THE

STAFF. I THINK THAT'S GOING TO GIVE YOU A BETTER, MORE FITTING IN FOR YOU TO HANDLE IT IN THAT MANNER.

Alvarez: OKAY. THAT IS A COMMENT THAT IS LISTED HERE, BUT DOES THAT MEAN THAT WE'RE DIRECTING OUR ART IN PUBLIC PLACES PROGRAM TO LOOK AT THE ISSUE. I DON'T KNOW THAT WE COULD DIRECT CAPITAL METRO TO UNDERTAKE SOME KIND OF PROCESS AROUND PUBLIC ART. ALL THIS WOULD DO IS SAY THAT THE STATION AREA PLAN WOULD INCLUDE -- WOULD HAVE A COMPONENT OR COULD HAVE A COMPONENT I GUESS FOR PUBLIC ART. THAT JUST SEEMED LIKE IT WAS A GOOD SUGGESTION AND I THOUGHT THAT IT WOULDN'T NECESSARILY BE A DIFFICULT ITEM TO INCLUDE IN THE ORDINANCE. AS LONG AS WHAT WE'RE SAYING HERE IS WE'D LIKE FOR ART IN PUBLIC PLACES TO MAYBE LOOK AT IT AND MAKE RECOMMENDATIONS TO COUNCIL...

COUNCILMEMBER -- I'M SORRY. I'VE JUST BEEN ADVISED BY STAFF THAT THEY DON'T REALLY HAVE A PROBLEM WITH INCLUDING THIS, AND THERE IS LANGUAGE IN THE PROPOSED CHANGE. THE ONLY THING WE WOULD TELL YOU IS IT JUST NEEDS TO BE RENUMBERED BECAUSE 10 IS THE WRONG NUMBER. SO IF IT IS YOUR DESIRE TO PUT IT IN, WHAT STAFF HAS ADVISED ME IS THAT THEY DON'T REALLY SEE A PROBLEM WITH THAT.

Alvarez: SHOULD WE SAY MAY INCLUDE VERSUS SHALL? BECAUSE IF THE STATION AREA PLANNING TEAM WANTS TO CONSIDER IT, IT ALLOWS THEM TO, BUT IF WE SAY SHALL, IT MEANS THEY HAVE TO DO IT.

MAY IS PERFECTLY FINE WITH US.

Mayor Wynn: THANK YOU, COUNCILMEMBER. WE HAVE A REQUEST FOR AN AMENDMENT REQUESTING THE CITY LEGAL DEPARTMENT TO RENUMBER, BUT INCLUDE THE PHRASE, THE STATION AREA PLAN MAY INCLUDE CONSIDERATION OF PUBLIC AND CIVIC ART AT AND NEAR TRAVIS STATION. CONSIDERED FRIENDLY? THANK YOU, COUNCILMEMBER. AGAIN, FURTHER COMMENTS? QUESTIONS, COUNCIL? SO HEARING NONE THEN, WE HAVE -- BACK TO THE MAIN MOTION AND THE SECOND. MOTION BY

COUNCILMEMBER MCCRACKEN TO ADOPT ON THIRD READING THIS TRANSIT ORIENTED ORDINANCE AS AMENDED IN A FRIENDLY WAY SEVERAL TIMES EARLIER. COMMENTS?

Thomas: MAYOR, IF YOU DON'T MIND. SINCE WE'RE GETTING READY ON THIS LAST, THIRD READING, I DO WANT TO COMMEND STAFF AND ESPECIALLY COUNCILMEMBER ALVAREZ FOR WORKING HARD ON THIS T.O.D. ORDINANCE. IT SHOWS THAT WE CAN STILL WORK TOGETHER AND GET THINGS ACCOMPLISHED FOR THE BETTERMENT OF THE CITY. THANK YOU.

Mayor Wynn: AGREED. COUNCILMEMBER MCCRACKEN.

McCracken: YEAH, I ALSO WANT TO CONGRATULATE STAFF IN POINTING OUT THAT WE HAVE HAD A NUMBER OF SIGNIFICANT URBAN PLANNING INITIATIVES OVER THE LAST YEAR, AND BY WORKING TOGETHER WE PASSED ALL OF THEM WITHOUT A FIGHT AND WITH BROAD COMMUNITY SUPPORT. IT'S A GREAT VICTORY, A GREAT WAY TO DO BUSINESS, AND THIS IS A VERY COMPREHENSIVE PLAN. AND CONGRATULATIONS TO STAFF TO GETTING CONSENSUS AND BROAD COMMUNITY SUPPORT. A REALLY GOOD EFFORT.

Mayor Wynn: THANK YOU. COUNCILMEMBER ALVAREZ.

Alvarez: THANK YOU, MAYOR. I DID WANT TO THANK THE COUNCIL FOR THEIR PATIENCE IN THE VARIOUS ITERATIONS OF THE RECOMMENDATIONS COMING OUT OF MY OFFICE, BUT I THINK WE WORKED THROUGH IT IN A REAL POSITIVE WAY AND WERE ABLE TO COME UP WITH STRONG LANGUAGE FOR THE ORDINANCE AND THANK ALL THE MEMBERS OF THE PUBLIC INVOLVED WHO HELPED JUST POINT TO SOME AREAS WHERE THERE WERE GAPS THAT NEEDED TO BE FILLED AND HELPING US TO FILL THOSE GAPS. BUT ESPECIALLY TO STAFF. I WANT TO COMMEND STAFF FOR ALL THEIR HARD WORK ON THIS, THE LATE NIGHTS AND ALL THE PUBLIC HEARINGS. BUT I KNOW WHILE THIS WAS GOING ON WE WERE ALSO DOING DESIGN STANDARDS AND ALSO DOING RAINEY STREET AND ALL THE SEAHOLM RELATED ISSUES. AND IT ALL KIND OF FALLS ON THE SAME DEPARTMENT, AND SOMETIMES VERY LITERALLY ON THE SAME PEOPLE. SO I DO WANT TO THANK ALL THE

FOLKS, NEIGHBORHOOD PLANNING, ESPECIALLY GEORGE FOR ALL HIS HELP WITH ALL THOSE DIFFERENT PROJECTS, AND ALICE. AND OF COURSE OUR LAW DEPARTMENT FOR HELPING US THROUGH THE RIGHT WAY TO WORD ALL THIS SO THAT IT WORKS THE WAY WE WANTED IT TO WORK. BUT ANYWAY, IT'S REAL EXCITING TO GET TO THIS POINT WHERE WE HAVE THIS ORDINANCE READY TO GO AND WE CAN GET TO THE NEXT PHASE IN TERMS OF WORKING WITH EACH OF THE NEIGHBORHOODS THAT ARE NOW -- THAT NOW HAVE A T.O.D. DISTRICT TO FIGURE OUT SOME OF THE PLANNING AND DESIGN ISSUES GOING FORWARD. BUT AGAIN, THANK Y'ALL FOR YOUR PATIENCE AND FOR YOUR OPENNESS. MAY MAY THANK YOU, COUNCILMEMBER. MS. GLASGO?

MAYOR, WHILE WE'RE IN THE PROCESS OF THANKING EVERYBODY, I WANTED TO TAKE A MOMENT TO RECOGNIZE THE STAFF THAT WE WORKED VERY COLLABORATIVELY WITH, CAPITAL METRO STAFF THROUGHOUT THIS ENTIRE PROCESS, AND ALSO WE GOT A CHANCE TO PRESENT TO THE CAPITAL METRO BOARD ALSO, THAT HAS BEEN SUPPORTIVE OF THIS PROCESS. I WANTED TO RECOGNIZE THAT. THANK YOU.

Mayor Wynn: THANK YOU, MS. GLASGO. FURTHER COMMENTS, QUESTIONS? I'LL JUST SAY THAT THIS IS A BIG DEAL, WHICH IS WHY IT TOOK SO LONG AND SO MUCH EFFORT AND COMPLICATION. TRAFFIC CONTINUES TO BE FAR AND AWAY THE NUMBER ONE CITIZEN COMPLAINT THAT WE RECEIVE FORMALLY THROUGH CITIZEN SURVEYS, INFORM LL AAND INTUITIVELY. AND I SAY FREQUENTLY WE HAVE TO DO THREE THINGS TO TRULY START TO ADDRESS MOBILITY AND TRAFFIC IN THIS TOWN, IS MAKE BETTER USE OF OUR EXISTING ROADS, IT'S TO HAVE EFFECTIVE MASS TRANSIT AND IT'S TO CHANGE LAND USE PATTERNS, DRAMATICALLY CHANGE LAND USE PATTERNS. AND THIS DEALS WITH THE THIRD PIECE OF THAT THAT TIES SO WELL, BECAUSE WITH CAPITAL METRO'S COMMUTER RAIL PLAN COMING FORWARD AND HOPEFULLY OTHERS FRANKLY, AUSTIN-SAN ANTONIO COMMUTER RAIL DISTRICT, FOR INSTANCE, AND WITH THIS ORDINANCE WE CAN HAVE THE BUILDING AND DEVELOPMENT COMMUNITY TAKE ADVANTAGE IN AN APPROPRIATE WAY OF MASS TRANSIT OPTIONS AND START TO CHANGE THE LAND USE PATTERNS

THAT FUNDAMENTALLY DRIVE TRAFFIC TO BEGIN WITH. SO THIS IS A LONG TIME COMING AND FRANKLY, IT'S GOING TO BE AWHILE, A LONG GESTATION BEFORE THERE'S DIRECT BENEFIT FROM THIS ORDINANCE, BUT IT'S AN IMPORTANT PIECE FOR THIS COMMUNITY TO MOVE FORWARD AS WE TRY TO DEAL WITH THE CITIZENS' BIGGEST CONCERN, AT LEAST VOCAL CONCERN, AND THAT'S TRAFFIC IN THIS TOWN. SO I APPRECIATE THE EFFORT AND THE TIME INVOLVED. SO THANK YOU ALL VERY MUCH. SO MOTION AND A SECOND ON THE TABLE TO APPROVE THIS ORDINANCE AS AMENDED. ALL THOSE IN FAVOR, PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. [APPLAUSE]

Mayor Wynn: EXCITEMENT IN THE ROOM. MS. TERRY?

MAYOR AND COUNCIL, MARTHA TERRY, ASSISTANT CITY ATTORNEY. WE ALSO HAVE A COMPANION RESOLUTION, WHICH IS THE NEXT AGENDA ITEM. AND GIVEN THE CHAIKZ IN THE ORDINANCE WITH -- CHANGES IN THE ORDINANCE, WE HAVE A RECOMMENDED CHANGE TO THAT. ON PAGE 2 OF THE RESOLUTION, ITEM NUMBER C NEEDS TO BE ADJUSTED TO REFLECT THE AMENDMENTS THAT COUNCIL HAS MADE. IT NOW SHOULD READ: EACH STATION AREA PLAN SHALL INCLUDE A HOUSING AFFORDABILITY ANALYSIS AND POTENTIAL STRATEGIES FOR ACHIEVING HOUSING GOALS PRESCRIBED BY ORDINANCE 050519-08 PRIOR TO REVIEW OF THE PROPOSED PLAN BY ANY COMMISSION OR THE CITY COUNCIL. THIS ANALYSIS WILL INCLUDE A FEASIBILITY REVIEW OF THE PURSUIT OF ADDITIONAL AFFORDABILITY GOALS IN THE T.O.D. SUCH THAT AUSTIN HOUSEHOLDS OF ALL DIFFERENT INCOME LEVELS WILL HAVE THE OPPORTUNITY TO LIVE WITHIN AN AUSTIN T.O.D. DISTRICT. IT SHOULD THEN THERE, THE LAST SENTENCE SHOULD BE STRICKEN BECAUSE THOSE GOALS HAVE CHANGED.

Mayor Wynn: CORRECT.

AND STAFF WOULD RECOMMEND THE ADOPTION OF THIS

RESOLUTION WITH THOSE CHANGES. AND IF YOU WOULD LIKE A SUBSTANTIVE PREPARATION, I WILL TURN IT OVER TO MR. HILGERS.

Mayor Wynn: I DON'T KNOW THAT THAT'S REQUIRED. COUNCIL, WITH THAT, I'LL ENTERTAIN A MOTION TO APPROVE THE RESOLUTION, ITEM NUMBER 9, AS -- WITH THE RECOMMENDED AMENDMENTS BY STAFF.

Goodman: SO MOVE.

Mayor Wynn: MOTION MADE BY MAYOR PRO TEM, SECONDED BY COUNCILMEMBER THOMAS TO APPROVE AS AMENDED THE RESOLUTION ON ITEM NUMBER 9. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. THANK YOU VERY MUCH, MS. TERRY. COUNCIL, WE HAVE A FEW MINUTES BEFORE CITIZEN COMMUNICATION. THERE IS A REQUEST, SUGGESTION, THAT I SUPPORT THAT ITEM NUMBER 29 RELATED TO OUR LANDFILL CONTRACT, BE POSTPONED INDEFINITELY. AND BASED ON THAT I'LL ENTERTAIN A MOTION.

Thomas: SO MOVE.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER THOMAS, SECONDED BY COUNCILMEMBER MCCRACKEN TO POSTPONE INDEFINITELY ITEM NUMBER 29 RELATED TO A LANDFILL CONTRACT WITH IESI. AND I'D JUST LIKE TO SAY BEFORE WE TAKE THIS VOTE THAT THE FAR MORE IMPORTANT ISSUE AT HAND, MORE SO THAN THE SITING OF THIS TYPE 4 LANDFILL AND EVEN THE DISTURBING FINANCIAL ELEMENTS OF OPERATING AND/OR CLOSING THIS TYPE IV LANDFILL, THE LARGER TASK AT HAND, ISSUE AT HAND REALLY IS THE LONG-TERM WELL SIGHTED, COMPETITIVE, SCIENTIFICALLY SOUND LANDFILLS FOR THE FUTURE GROWTH OF CENTRAL TEXAS. AND TO THE EXTENT THAT THE ANALYSIS AND HARD WORK, TIME, EFFORT AND MONEY THAT WAS SPENT GETTING US TO WHERE WE ARE

TODAY ON THIS PARTICULAR ITEM, TO THE EXTENT THAT THAT EFFORT THEN HELPS US WITH THE TRUE GOAL AT HAND IN MY OPINION, WHICH IS THIS LONG-TERM ANSWER TO WHAT IS A DRAMATICALLY CHALLENGING ISSUE FOR ANY REGION, LET ALONE A BIG GROWING REGION LIKE CENTRAL TEXAS IS. AND I HOPE THAT THIS EFFORT ACTUALLY HELPS US WITH TASK AT HAND, WHICH IS THE LONG-TERM SOLUTION FOR A WELL SIGHTED, COMPETITIVE, SCIENTIFICALLY SOUND LANDFILL SOLUTION FOR THE FUTURE LONG-TERM SUSTAINABLE FUTURE, GENERATION FUTURE OF CENTRAL TEXAS. MAYOR PRO TEM.

Goodman: ALONG THOSE LINES, MAYOR, MAY I SUGGEST THAT WHEN AND IF THIS DOES COME BACK, THAT WHAT HAPPENS IN THE INTERIM FROM THIS INDEFINITE POSTPONEMENT HAS A LOT TO DO WITH TAKING ADVANTAGE OF THE GREAT EXPERTISE THAT WE HAVE ON THE SOLID WASTE ADVISORY COMMISSION, ON THE ENVIRONMENTAL BOARD AND OTHER GROUP ADVOCACIES IN THE COMMUNITY. THAT IT BE AN OPEN PROCESS, DISCUSSING ALL THE ISSUES SO THAT ALL THE ANSWERS ARE GIVEN AND DISCUSSED AS TO WHETHER THAT'S A WHOLE ANSWER TO ANY ONE QUESTION, LONG BEFORE IT COMES TO THE COUNCIL. AND LET ME ALSO SUGGEST THAT IF IT GETS DOWN TO THE CONTEMPLATION OF A CONTRACT AND INDEED THE POLICY IS NOT FOR SHORT-TERM CLOSURE, AS WE USED TO IS THE CASE AND I THOUGHT HAD ADOPTED POSITIVE FOR, BUT -- HAD ADOPTED POLICY FOR, BUT THAT WE, WHAT'S THE WORD, OUTSOURCE OR GET OUTSIDE LEGAL COUNSEL TO GO OVER THE CONTRACT, ESPECIALLY IF IT'S CONTEMPLATED FOR ANYTHING APPROACHING THE INCREDIBLY LONG TIME FRAME THIS ONE WAS, TO GO THROUGH THAT CONTRACT WITH A FINE-TOOTH COMB. SO IT MUST BE SOMEONE WHO HAS SOME EXPERTISE OR CAN PICK IT UP VERY QUICKLY. SO THAT IF IT COMES BACK, WE NOT ONLY HAVE GUARANTEES AS TO OPERATIONAL POLICIES, HISTORY AND GUARANTEES OF IMPROVEMENT IN THE FUTURE THAT'S ABLE TO HAPPEN, CLOSURE OF OUR PART OR THE CLOSEST TO THE AIRPORT, AND A NUMBER OF OTHER THINGS THAT ARE VERY NOTABLY MISSING FROM THIS CONTRACT. AND WITH THAT I GUESS I'LL JUST SAY GOOD LUCK TO WHATEVER COUNCIL FINDS

RESOLUTION FOR THIS ISSUE, BUT THE ONE PRESENTED TO US WAS NOT IT.

Mayor Wynn: THANK YOU, MAYOR PRO TEM. COUNCILMEMBER SLUSHER.

Slusher: THANK YOU, MAYOR. I'M GOING TO VOTE FOR THE MOTION. I HAVE SOME CONCERNS ABOUT NOT DOING THIS CONTRACT ABOUT THE FINANCIAL IMPACT ON THE CITY, BOTH IN THE SHORT-TERM AND THE LONG-TERM, AND JUST THE ONLY STATEMENT OR WARNING I WOULD ISSUE WOULD BE THAT THE CITY OF AUSTIN DOESN'T HAVE A PUBLIC LANDFILL, SO THEREFORE WE HAVE TO DEPEND -- WE HAVE TO HAVE CONTRACTS WITH PRIVATE LANDFILLS. WE DON'T HAVE A PUBLIC CATEGORY 1 ANYWAY ARKS AND WE MAY END UP WITHOUT THE CATEGORY 4 THAT WE HAVE MANAGED IN THIS CASE. SO IN MY OPINION THERE'S ONE LOCAL LANDFILL THAT REALLY IS BETTER NEIGHBORS TO ITS NEIGHBORS THAN SOME OF THE -- THAN THE OTHER LANDFILLS HERE. AND THIS IS MY OPINION, RUNS A BETTER SHOP FROM WHAT I HEAR FROM CITIZENS. BUT I THINK WE ALSO HAVE TO KEEP IN MIND, ALWAYS IN MIND, THAT IT WOULD NOT BE IN THE CITY'S BEST INTEREST TO GET INTO A MONOPOLY SITUATION WHERE THERE'S ONLY ONE BUSINESS AVAILABLE TO DO BUSINESS WITH OR ONLY ONE THE CITY IS DOING BUSINESS WITH, AND THEN WE WOULD BE AT THE PRICE MERCY, CONSTITUENT WOULD BE AT THE PRICE MERCY OF THAT PARTICULAR BUSINESS. I DON'T THINK IT'S EVER PRUDENT TO GET IN A SITUATION WHERE YOU'RE ONLY DEALING WITH A MONOPOLY. SO THAT'S ALL I WOULD SAY AT THIS POINT.

Mayor Wynn: THANK YOU, COUNCILMEMBER.
COUNCILMEMBER THOMAS.

Thomas: YOU KNOW, I AGREE WITH EVERYTHING THAT -- THAT THE REST OF MY COHORTS WERE SAYING. THE FINANCIAL IMPACT IS VERY IMPORTANT, BUT THEN ENVIRONMENTAL IMPACT IS VERY IMPORTANT TO ME. THERE ARE SOME QUESTIONS THAT WASN'T ANSWERED TO ME, AND I THINK WE NEED TO LOOK AT IT, IF IT COMES BACK, WHO IS GOING TO DO THE BEST JOB FOR THE CITY OVERALL FOR THE ENVIRONMENTAL IMPACT AND ALSO WE KNOW

THAT AS FAR AS THE FINANCIAL IMPACT. BUT THE THING IS THAT WE KNOW THAT THIS BUSINESS, CITIZENS OF AUSTIN, EVEN INSIDE THE CITY OR OUTSIDE NORTHEAST AUSTIN HAVE HAD PROBLEMS WITH LANDFILLS. I AGREE WITH WHAT COUNCILMEMBER ALVAREZ SAID, ONE COMPANY HAS PROVED TO BE VERY CREDIBLE AND EVEN THE INTEGRITY OF HOW THEY RUN THEIR BUSINESS. THE MON MONOPOLY SIDE, WE CAN ALWAYS DISCUSS THAT, BUT THE THING IS THAT IF SOMEBODY'S DOING A JOB THAT IS GOING TO MAKE SURE THAT THE ENVIRONMENT AND THAT PARTICULAR AREA OF THIS GREAT CITY IS PROTECTED, THEN WE NEED TO LOOK AT IT AND MAKE SURE THAT THE COMPANIES THAT ARE DOING A PROPOSAL, TO MAKE SURE THAT THEY FOLLOW THE SAME RULES AS THE COMPANIES THAT ALREADY ARE IN EXISTENCE, BECAUSE WE'VE HEARD THIS OVER AND OVER ABOUT OTHER LANDFILLS THAT ARE OPERATING OUTSIDE THE CITY LIMITS, THE ENVIRONMENTAL ISSUES HAVE REALLY ALWAYS COME UP FRONT. THE OTHER THING WE NEED TO WORK ON IS THERE'S A LOT MORE QUESTIONS I NEED TO HAVE ANSWERED BEFORE I EVEN FEEL COMFORTABLE IN EVEN APPROVING.

Mayor Wynn: THANK YOU, COUNCILMEMBER.
COUNCILMEMBER DUNKERLEY.

Dunkerley: WHEN THIS ITEM CAME BEFORE US BEFORE, THERE WERE SEVERAL QUESTIONS THAT I ASKED, AND ONE OF THEM WAS THE IDEA THAT WE NEEDED A LONG-TERM PLAN FOR SOLID WASTE SERVICES FOR THE NEXT 30 TO 50 YEARS. A TASKFORCE WAS SET UP AND THEY HAVE BEEN DOING SOME PRELIMINARY WORK, AND RECENTLY I'VE BEEN IN CONTACT WITH SOME OF THE LEADERS IN THE NATION DEALING WITH NOT ONLY RECYCLING, BUT LANDFILL PLANNING. AND OTHER ELEMENTS THAT NEED TO GO INTO THAT PLAN. THEY HAVE AGREED TO COME TO AUSTIN AND WORK EITHER IN A ROUND TABLE FORMAT OR WORKSHOP FORMAT WITH OUR TASKFORCE FOR A FEW DAYS TO MAKE SURE THAT THAT THEY ALSO BRING A COMPREHENSIVE LOOK AT WHAT'S GOING ON AROUND THE COUNTRY IN THIS AREA RIGHT NOW. SO THIS IS JUST A COMMENT TO LET YOU KNOW KIND OF WHERE THIS IS MOVING. I THINK THE GROUP IS WORKING VERY DILIGENTLY TO HAVE A PRODUCT IN THE NEXT FEW MONTHS THAT WE CAN BEGIN TO DELIBERATE ON

OURSELVES. SO GIVE KIND OF AN UPDATE ON WHAT'S GOING ON.

Mayor Wynn: THANK YOU. FURTHER COMMENTS, QUESTIONS? AGAIN, A MOTION AND A SECOND ON THE TABLE TO POSTPONE INDEFINITELY ITEM NUMBER 29. ALL IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. THANK YOU ALL VERY MUCH. COUNCIL, OUR LAST POTENTIAL DISCUSSION ITEM, ALTHOUGH THERE'S NOT MUCH DISCUSSION LIKELY, I HAD PULLED ITEM NUMBER 31, WHICH WAS THE THE SECOND READING OF A FIRST READING DISCUSSION WE HAD REGARDING THE NORTHWEST AUSTIN MUNICIPAL UTILITY DISTRICT, THE CANYON CREEK ISSUE. AS WE HEARD LAST WEEK, THERE IS GOING TO BE A M.U.D. BOARD MEETING THIS EVENING, WHICH I JUST WANTED TO REMIND EVERYBODY THAT WE POSTED THIS FOR SECOND READING ONLY. WE'RE GOING TO FIND OUT HOW THAT BOARD MEETING WENT TONIGHT AND WE'LL HAVE THAT INFORMATION BEFORE WE POST THIS FOR THIRD READING, PERHAPS AS EARLY AS NEXT THURSDAY. SO UNLESS THERE'S NEED FOR A DISCUSSION ON THIS ITEM, I'LL ENTERTAIN A MOTION ON ITEM 31. REGARDLESS, I'LL ENTERTAIN A MOTION AND WE CAN HAVE DISCUSSION. MOTION MADE BY COUNCILMEMBER MCCRACKEN, SECONDED BY THE MAYOR PRO TEM TO APPROVE ITEM NN 31, SECOND READING ONLY, THE SAME ORDINANCE REGARDING THE NORTHWEST AUSTIN MUNICIPAL UTILITY DISTRICT NUMBER 1. COUNCILMEMBER SLUSHER?

Slusher: THANK YOU, MAYOR. I JUST WANTED TO SAY REALLY QUICKLY, I APPRECIATE COUNCIL MAJORITY ON THIS ITEM, ONCE IT SETTLES A LONG RUNNING DISPUTE, THAT BEING WHERE CANYON CREEK RESIDENTS HAVE TO PAY THE M.U.D. TAX IN ADDITION TO THEIR CITY TAXES AND UTILITY FEES. AND OF COURSE THAT ARRANGEMENT HAPPENED THROUGH THE EFFORTS OF THE ORIGINAL DEVELOPER THERE, IT WAS MADE KNOWN TO HOMEOWNERS WHEN THEY PURCHASED THEIR PROPERTY, NONETHELESS, IT'S AN UNFORTUNATE SITUATION FOR THE HOMEOWNERS. ON THE

OTHER HAND, HOWEVER, THERE WAS A LAWSUIT AGAINST THE CITY BY THE M.U.D. BOARD AND SOME OF THE HOMEOWNERS AND THE CITY PREVAIL ODD THAT LAWSUIT. AND WHILE I WOULD SUPPORT SOME KIND OF TRYING TO SETTLE THIS LONG-RUNNING DISPUTE, I DON'T THINK WHAT WE HAVE FOR US RIGHT NOW SETTLES ANYTHING BECAUSE THE LAWSUIT REMAINS IN PLACE. IF THAT WERE DROPPED, I WOULD STRONGLY CONSIDER VOTING FOR THIS ITEM, BUT I REALLY THINK THAT WE SHOULD HEAR FROM THE M.U.D. BOARD FIRST BEFORE WE COMMIT THIS TESTIFY MILLION DOLLARS IN UTILITY FUNDS FOR THIS ITEM. SO I'LL STILL BE VOTING NO.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER COMMENTS? COUNCILMEMBER THOMAS.

Thomas: ON THE THIRD READING -- YOU SAID THEY WERE HAVING A MEETING.

Mayor Wynn: TONIGHT.

Thomas: I WOULD STRESS AND HOPE THAT THEY WOULD HAVE SOME KIND OF DISCUSSION ABOUT THE LAWSUIT. HOPEFULLY THEY WOULD COME FORWARD AND SAY -- BECAUSE JUST LIKE COUNCILMEMBER SLUSHER IS SAYING, WE'RE REALLY CONCERNED ABOUT THE CITIZENS, BUT WHY DO WE HAVE TO CONTINUE TO FIGHT IN COURT IF WE CAN TRY TO HELP RELIEVE SOME OF THE THINGS THAT'S GONE ON? AND THE THIRD READING, I HOPE TO HEAR SOMETHING FROM THE M.U.D. BOARD IN THAT AREA OF THE LAWSUIT.

Mayor Wynn: AGREED, COUNCILMEMBER. MY UNDERSTANDING IS THIS WILL BE A SIGNIFICANT POINT OF DISCUSSION TONIGHT AT THEIR MEETING. HEARING NO FURTHER COMMENT -- I'M SORRY, MAYOR PRO TEM.

Goodman: I'M SORRY. I JUST WANTED TO SAY THANK YOU TO ALL THE FOLKS WHO E-MAILED US AFTER FIRST READING. THAT IS ACTUALLY A PRETTY UNUSUAL OCCURRENCE TO THANK US IN THAT KIND OF NUMBER, SO I WANTED TO NOTE THAT WE HAD GOTTEN THOSE E-MAILS AND APPRECIATE THEM.

Mayor Wynn: AGREED. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR OF ITEM NUMBER 31 TO APPROVE ON SECOND READING ONLY.

AYE.

OPPOSED? MOTION PASS OZ A VOTE OF SIX TO ONE WITH COUNCILMEMBER SLUSHER VOTING NO.

Mayor Wynn: SO COUNCIL, THAT ACTUALLY TAKES US THROUGH ALL OF OUR PULLED DISCUSSION ITEMS. THAT LEAVES US ONLY 15 MINUTES PRIOR TO OUR GENERAL CITIZEN COMMUNICATION. WE HAVE A COUPLE OF ITEMS THAT WE COULD TAKE UP IN CLOSED SESSION. MY INSTINCT IS THEY'RE GOING TO TAKE LONGER THAN THE 15 MINUTES, SO WITHOUT OBJECTION, WHY DON'T WE JUST RECESS THIS MEETING OF THE AUSTIN CITY COUNCIL FOR 15 MINUTES, RECONVENE AT 12 NOON FOR GENERAL CITIZEN COMMUNICATION. WE ARE NOW RECESSED.

Mayor Wynn: THERE BEING A QUORUM PRESENT, AT THIS TIME I'LL CALL BACK TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL. WE'VE BEEN IN RECESS FOR THE LAST 15 MINUTES. WE NOW GO TO OUR NOON GENERAL CITIZEN COMMUNICATION. I'LL GIVE FOLKS TIME TO SIT BACK DOWN. OUR FIRST SPEAKER IS JESSICA GORDON. JESSICA GORDON. OKAY. TAKE YOUR TIME. AND YOU'LL BE FOLLOWED BY BENJAMIN REYNOLDS.

GOOD DAY, CITY COUNCIL, MY NAME IS JESSICA GORDON AND I'M HERE AGAIN TODAY IN AN ATTEMPT TO SAVE SOUTH AUSTIN PARK FOR FUTURE GENERATIONS. THIS PARK HAS BROUGHT OUR COMMUNITY TOGETHER AND WE HAVE BEEN WORKING DILIGENTLY TO SAVE IT EVER SINCE WE FOUND OUT ABOUT ITS POTENTIAL DESTRUCTION. OPEN SPACES AND GREENBELTS IN AUSTIN ARE AN ICON AND AN IMPORTANT PART OF OUR CITY'S IDENTITY AND SOMETHING WE'RE ENTRUSTED TO PROTECT. IT IS SOCIALLY AND ENVIRONMENTALLY UNACCEPTABLE FOR A FACILITY TO CONSUME MOST OF THE OPEN PARK SPACE IN THE NEIGHBORHOOD'S ONLY PARK. THE SOUTH AUSTIN TENNIS CENTER EXPANSION IS OUT OF SCALE AND AN INAPPROPRIATE USE FOR OUR NEIGHBORHOOD PARK, AND

IT ADVERSELY AFFECTS THE DENSELY POPULATED GLENDALE NEIGHBORHOOD AND VIOLATES THE OPEN SPACE OF THE SOUTH AUSTIN PARK. AS YOU CAN SEE HERE, IT ALREADY ADVERSELY AFFECTS THE SURROUNDING RESIDENTS AND THE STADIUM LIGHT COMES IN TO THE WINDOWS OF THE RESIDENTS, AND HAVING A LARGER FACILITY WOULD PRODUCE EVEN MORE LIGHTS. LOCATING A LARGE NUMBER OF COURTS SIGNIFICANTLY CLOSER TO THE PARK PERIMETER DIMINISHES THE QUALITY OF LIFE FOR THE SURROUNDING RESIDENTS. DUE TO ALL OF THE NEGATIVE ENVIRONMENTAL IMPACTS OF THIS EXPANSION, THE ENVIRONMENTAL BOARD VOTED UNANIMOUSLY TO RECOMMEND THE CITY COUNCIL NOT TO PROCEED WITH THIS PROJECT. TUESDAY NIGHT THIS ROOM WAS PACKED UNTIL AFTER MIDNIGHT WITH CONCERNED RESIDENTS OF AUSTIN SPEAKING ABOUT THIS PROJECT. THE COMMISSION DENIED THE CONDITIONAL USE PERMIT, BUT THEN AN AMENDMENT, THE PARD COULD REPLY FOR A PLAN WITH ONLY FOUR COURTS WAS PASSED. THAT MEMBER, JOSEPH MARTINEZ, ALTHOUGH A STRONG SUPPORTER OF MORE TENNIS COURTS IN AUSTIN, MADE A MOTION TO DENY THIS PERMIT BECAUSE HE DID NOT FEEL THE SOUTH AUSTIN PARK WAS IN AN APPROPRIATE LOCATION FOR MORE TENNIS COURTS. HE DID NOT SUPPORT THE AMENDMENT TO ALLOW FOR FOUR COURTS BECAUSE HE COULD SEE THAT IN THE LONG-TERM VISION OF AUSTIN, THIS IS A LOSE-LOSE SITUATION. THE TENNIS COMMUNITY DOES NOT RECEIVE THE TYPE OF FACILITY THAT THEY ARE LOOKING FOR, AND A SIGNIFICANT PORTION OF INVALUABLE INNER CITY PARKLAND IS STILL DESTROYED. CONCERNS ABOUT SOUTH AUSTIN TENNIS CENTER EXPANDING INTO A METROPOLITAN SCALE FACILITY HAVE BEEN VOICED SINCE 1980 WHEN AN ACTION PRIORITY LISTED AS PART OF MASTER PLAN CALLED FOR THE REEVEIL SITUATION PLANS FOR A TENNIS CENTER EXPANSION IN SOUTH AUSTIN PARK IN LIGHT OF RECREATION USE IN THIS AREA. RECENTLY IN OUR NEIGHBORHOOD, THE FAVORITE OUTDOOR ACTIVITIES WOULD BE BIKING, HIKING, WALKING. THEY DO NOT REQUIRE CUTTING DOWN TREES OR PAVING OVER PARKLAND. ALTHOUGH THIS WAS VOTED ON IN THE EARLIER BOND ELECTION, PARKLAND DESTRUCTION WAS NOT THE INTENTION OF THE VOTERS. [BUZZER SOUNDS] OUR

PREVIOUS NEIGHBORHOOD PRESIDENT WAS ONLY TOLD ABOUT PARK IMPROVEMENTS. THIS EXPANSION IS IN DIRECT OPPOSITION TO THE PROPOSITION 2 GOALS OF PARK IMPROVEMENT AND LAND ACQUISITION ALONG WEST BOULDIN CREEK, WHICH HAS NOT BEEN DONE AS PROPOSITION TWO. STOPPING THIS PROJECT WOULD PRESERVE SOUTH AUSTIN PARK, A QUALITY OF LIFE FOR OUR NEIGHBORHOOD AND THE ENTIRE AUSTIN COMMUNITY. PLEASE LOOK AT THIS SITUATION AND CONSIDER IT FOR THE LONG-TERM VISION OF AUSTIN. ONCE THESE TENNIS COURTS COME INTO THIS PARK, THEY CANNOT BE REMOVED. THANK YOU.

Mayor Wynn: THANK YOU, MS. GORDON. AND WE ARE. AND Y'ALL WERE HERE UNTIL MIDNIGHT TUESDAY? THAT'S NOTHING. KIDDING. BENJAMIN REYNOLDS? WELCOME. SIR. YOU WILL HAVE THREE MINUTES AND BE FOLLOW FOLED BY PATTY SPRINKLED. SPRINKLE.

THANK YOU VERY MUCH FOR HEARING ME TODAY. MY NAME IS BENJAMIN REYNOLDS AND I'M HERE TO EXPRESS OUR OPPOSITION TO THE EXPANSION OF THE TENNIS CENTER AT SOUTH AUSTIN PARK. THEY HAVE A GREAT WORKING FACILITY AT THE TENNIS CENTER. THE NEEDS OF THE CITY FOR TENNIS WILL NOT BE DRASTICALLY REDUCED. IT WON'T BE ENHANCED FOR THE TENNIS PLAYERS TO PUT IN THESE TENNIS CENTERS IN THE NEIGHBORHOOD PARK. THIS PARK IS IN THE MIDDLE OF A NEIGHBORHOOD AND IT'S GREAT FOR THE COMMUNITY TO BE INVOLVED WITH THE OPEN SPACES, AND PUTTING THIS IMPERVIOUS COVER DOWN WILL NEVER BE REMOVED. IT'S A NUISANCE TO THE NEIGHBORHOOD TO ADD MORE COURTS, GREATER LIGHT GLOW, MORE NOISE, MORE TRAFFIC. AND ALL OF THESE REASONS I'M SURE YOU'VE HEARD AGAIN AND AGAIN FOR SAVING SOUTH AUSTIN PARK, SO I REALLY HOPE THAT THIS MAKES A DIFFERENCE IN OUR MIND AND IN YOUR DECISIONS. AND I THANK YOU VERY MUCH FOR LISTENING TO ME TODAY. THANK YOU.

Mayor Wynn: THANK YOU, MR. REYNOLDS. PATTY SPRINKLE. WELCOME, MA'AM. YOU WILL BE FOLLOWED BY PAT JOHNSON.

HI. MY NAME IS PATTY SPRINKLE. AND AS A TAXPAYER AND A HOMEOWNER IN THE CITY OF AUSTIN, I'M HERE TODAY TO ASK COUNCIL TO RECONSIDER EXPANDING SOUTH AUSTIN TENNIS CENTER. IF THE CENTER IS EXPANDED, IT WILL BECOME A PERMANENT FIXTURE, A CONCRETE GORILLA WHICH LEAVES LITTLE OPEN GREEN SPACE FOR THE REST OF US. 90 FAMILIES BORDER THE IMMEDIATE PARK AND HUNDREDS LIVE WITHIN A FEW BLOCKS OF THE NEIGHBORHOOD PARK IN HOMES PRIMARILY ZONED SF-3. WE'RE ALL FAIKTED NOW BY THE NOISE, LIGHT POLLUTION AND DRAINAGE PROBLEMS THAT CURRENTLY EXIST. WE HAVE A LOT OF KIDS IN OUR NECK OF THE WOODS. WE'RE BOARDED BY TWO GOVERNMENT PROJECTS ON EITHER SIDE OF OUR NEIGHBORHOOD. TO GO AHEAD WITH THIS PROJECT MEANS OUR KIDS ARE THE ONES WHO WILL BE PUSHED TO THE EDGES OF THE PARK, THE ONES THAT WILL HAVE TO CROSS BUSY SOUTH FIRST STREET, WHOSE TRAFFIC IS ESTIMATED BY CAMPO AT 19,000 VEHICLE TRIPS PER DAY RIGHT NOW. TO GET TO GILLIS PARK OUTSIDE THE BOUNDARY OF OUR OWN NEIGHBORHOOD TO ENJOY THE GREEN. OUR KIDS MUST SACRIFICE A THIRD OF THEIR PLAYING FIELD SO DRAINAGE CAN BE MANAGED FROM THESE NEW COURTS. THE TENNIS PROPONENTS ARE QUICK TO POINT OUT THAT 11 ACRES PURCHASED IN THE LATE '70'S WAS ALWAYS MEANT TO BE COURT. OKAY, I'LL GIVE THEM THAT. SO THE CITY SHOULD HOLD THEM TO THE SAME STANDARDS A PRIVATE DEVELOPER MUST ADHERE TO. THE CITY SHOULD SAY SORRY, YOU'VE ALREADY EXCEEDED IMPERVIOUS COVER FOR YOUR 11 ACRES AND NO MORE CEMENT CAN BE POWERED. YOU MUST REMEDIATE EXISTING DRAINAGE PROBLEMS TOVMENT DO SO SETS A PRESS ENT DENT AND MAKES IT HARDER FOR THE CITY TO UP HOLD ITS OWN ZONING ORDINANCES. YES, THE PARKS BELONG TO ALL OF US, BUT AT THE END OF THE DAY THE TENNIS PLAYERS GET TO GO HOME. WE LIVE THERE. WE'RE AWAKENED ON A SATURDAY MORNING BY THE SQUEAK OF SNEAKERS. WE'RE THE ONES WHO COOLING AND ENERGY COSTS WILL GO UP -- (INDISCERNIBLE). WHO WILL LOSE THE CANOPY OF TREES THAT ACT AS THE BUFFER FOR THE LIGHTS AND NOISE. YES, THE CITY PLANS TO PLANT MORE TREES, BUT IT WILL NEVER COME CLOSE TO REPLACING THE 200 PLUS TREES THAT MUST BE SACRIFICED FOR THIS

PROJECT. IT IS APPALLING THAT THE CITY CONTINUES TO MARGINALIZE THE PEOPLE OF THIS NEIGHBORHOOD WHO HAVE BEEN TOO POOR TO PUT UP A FIGHT, WHO DON'T HAVE THE RESOURCES AND THE WHEREWITHAL TO INNONE DATE THE COUNCIL AND ITS BOARDS WITH HUNDREDS OF LETTERS ON LAW FIRM LETTERHEAD. WITH ALL RESPECT TO THE ZAP COMMISSION, THEIR JOB WAS TO EVALUATE THE SITE PLAN FOR A CONDITIONAL USE PERMIT, NOT TO MAKE THE MEETING A REFERENDUM FOR AUSTIN'S NEED FOR MORE 10 NITS COURT. IT WAS TO JUDGE THE MERITS OF THE SITE PLAN AND TO APPROVE OR DENY THE CONDITIONAL USE PERMIT. THE THE NEIGHBORHOOD HAS DEMONSTRATED OVER AND OVER AGAIN THAT THIS PLAN FAILS TO ADDRESS THE BASIC PLANNING PRINCIPLE AND IN FACT IGNORES THE CITY'S OWN DEVELOPMENT CODE. WE WHO CAN LEAST AFFORD IT ARE ASKED TO GIVE UP OUR PARK SO A SPECIAL INTEREST GROUP CAN GET A COURT AT PEAK HOURS. THE SAP IS A PUBLIC FACILITY THAT IS PART OF SAUN PARK. ACCESS IS TO BE ASSURED BY ALL WHO WISH TO WALK THROUGH THE CENTER, YET THE GATE INTO THE PARK HAS RECENTLY BEEN LOCKED. [BUZZER SOUNDS] WE'RE ASKING YOU TO DO THE RIGHT THING, REPAIR THE COURT, IMPROVE THE LIGHTING, BUILD YOUR PRO SHOP AND MAKE THE CENTER A.D.A. COMPLIANT. FIX THE DRAINAGE PROBLEMS THAT ARE AFFECTING THE NEIGHBORHOOD IN ALL OF WEST BOULDIN CREEK. MAKE NO MISTAKES. THESE ACTIONS THAT SATISFY THE BOND SPECIFICATIONS AND SERVE THE ENTIRE CITY OF AUSTIN FOR GENERATIONS TO COME. DO THE RIGHT THING AND DON'T LOCK UP OUR PARK AND THROW AWAY THE KEY. THANK YOU.

Mayor Wynn: THANK YOU. MR. PAT JOHNSON? WELCOME, SIR. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY PASTOR MARK WEAVER.

GOOD DAY. LAST COUNCIL MEETING THE POLICE DEPARTMENT GAVE A PRESENTATION TO THE COUNCIL, AND I SUPPOSE IT'S DIRECTED AT THE PUBLIC TOO, BUT THERE'S SOME DATA IN THERE THAT WAS A LITTLE BIT INACCURATE. YOU KNOW, WHEN COUNCILMEMBER GOODMAN ASKED MR. DOUGLAS ABOUT WHY A TOWING COMPANY IS ALLOWED TO STAY ON THE ROTATION LIST WHEN THEY HAVE MULTIPLE

VIOLATIONS BY DIFFERENT STATE AGENCIES OF STATE LAW, AND HE KEPT SAYING, WELL, THERE HAS TO BE A CONVICTION, THERE HAS TO BE A CONVICTION. BUT THERE CANNOT BE A CONVICTION UNLESS A POLICE OFFICER, BEING DETECTIVE DAN, THE NEW WRECKER DETECTIVE, CAN WRITE THAT TOWING COMPANY A TICKET FOR EACH VIOLATION THAT IS CITED BY TXDOT. BEFORE THE LAST MEETING I PROVIDED THE CHIEF AND DAVID CARTER A LIST OF THE TXDOT VIOLATION REPORT ON A AND A WRECKER. THEY HAD 17 VIOLATIONS WITH OVER 150 COUNTS. THEY DIDN'T EVEN REPORT 50 OR MORE CARS TO A.P.D. TO LET THEM KNOW THAT THEY HAD TOWED THEIR CARS. AND THAT IS NOT THE ONLY TOWING COMPANY THAT DOES THAT. IF A POLICE OFFICER CANNOT ENFORCE THE LAW, I DON'T KNOW WHAT Y'ALL EXPECT THEM TO DO. THE POLICE CHIEF TAKES ORDERS FROM THE CITY MANAGER AND THE CITY MANAGER TAKES ORDERS FROM THE CITY COUNCIL. NOW, WE WANT TO KNOW WHAT THE 64,000-DOLLAR QUESTION IS, IS WHO IS TELLING OUR POLICE OFFICERS, OUR POLICE DEPARTMENT, THEY CANNOT ENFORCE A STATE LAW THAT PROTECTS THE CITIZENS? I FIND IT TOTALLY OBSCENE THAT THE A TOWING COMPANY AND A PROPERTY OWNER CAN ENGAGE IN ORGANIZED CRIME, A FELONY, AND NOT ONE FINGER IS LIFTED TO INVESTIGATE IT AND ARREST THE PARTIES INVOLVED. WHAT THESE TOWING COMPANIES AND PROPERTY OWNERS ARE DOING TO OUR CITIZENS IS NO DIFFERENT THAN SELLING CRACK COCAINE TO THE POLICE CHIEF IN FULL UNIFORM ON THE FRONT STEPS OF THE POLICE DEPARTMENT. THIS IS TOTALLY RIDICULOUS. THIS IS UNNECESSARY CONDUCT BY THIS COUNCIL TO LET THIS CONTINUE. AND FOR STAFF TO TELL YOU THEY'RE NOT GOING TO BRING THIS ORDINANCE BACK UP UNTIL SEPTEMBER IS TOTALLY RIDICULOUS. THIS IS NOTHING PENDING ON THE LEGISLATURE RIGHT NOW THAT WOULD HAVE ANYTHING TO DO WITH THE ENFORCEMENT OF THE CURRENT LAW THAT'S BEEN ON THE BOOKS FOR 13 YEARS THAT THIS COUNCIL ENDORSED BACK IN '92 TO DEAL WITH THE PROBLEMS WE'RE HAVING RIGHT NOW. I JUST THINK IT'S TOTAL BS THAT THE PUBLIC AND EVERYBODY HAS TO TAKE THIS PROBLEM. YOU KNOW, I DON'T KNOW WHAT TO SAY. I AM OORL REALLY GETTING TIRED OF COMING UP HERE AND COMPLAINING TO THIS COUNCIL BECAUSE JOHN DOE CAN'T

COME UP HERE AND COMPLAIN. HOW DO YOU THINK A PERSON LIKES TO PAY \$150 TO GET THEIR CAR BACK WHEN NERP ILLEGALLY TOWED IN THE FIRST PLACE? ACCORDING TO CAPTAIN DAN, A.P.D. RECEIVED ABOUT 3400 COMPLAINTS LAST YEAR. MORE THAN TWO-THIRDS OF THOSE COMPLAINTS WERE COMPLAINTS FROM BEING TOWED OFF PRIVATE PROPERTY. THOSE ARE JUST THE COMPLAINTS THAT PEOPLE WERE ABLE TO FIND. AND WE STILL DON'T HAVE A SPANISH OPTION LINE ON THE BREKER ENFORCEMENT LINE TO FILE A COMPLAINT. [BUZZER SOUNDS] WHY IS THIS? WHY ARE Y'ALL CAUSING OUR POLICE DEPARTMENT TO VIOLATE PEOPLE'S CIVIL RIGHTS AND NOT GIVE THEM THE RIGHT TO ENFORCE THE LAW. THEY KNOW IT'S GOING ON AND CAN'T DO ANYTHING ABOUT IT. I THINK THAT'S AN INSULT. THANK YOU.

Mayor Wynn: THANK YOU, MR. JOHNSON SPACE JOHNSON. FOLLOWING CITIZEN COMMUNICATION, I WILL ASK FOR FOLLOW-UP FROM CITY STAFF.

MY NAME IS MARK WEAVER, PASTOR OF NEW HOPE CHURCH IN SOUTH AUSTIN COMING BACK TO YOU AGAIN ON AN ISSUE THAT I'VE BEEN BEFORE YOU. I'VE SINCE THAT MEETING VISITED WITH COUNTY COMMISSIONERS, CITY COUNCILMEMBERS, CITY LEGAL, JUST ABOUT EVERY DEPARTMENT THAT YOU CAN NAME THAT SHOULD BE SOMEHOW RELATED AND INVOLVED IN THIS SITUATION IN REGARD TO ADULT ORIENTED BUSINESSES, SPECIFICALLY PORNOGRAPHY SHOPS AND THE ADULT ARCADES IN THESE SHOPS. I HAVE A LETTER FOR EACH OF YOU. THERE ARE FOUR SHOPS THAT ARE THE WORST VIOLATORS HERE IN THE CITY OF AUSTIN. AUSTIN 6, ADULT VIDEO MEGA PLUS. NEW PARIS AND NEW VIDEO. SOME OF THESE SHOPS HAVE AS MANY AS RIGHT AT 40 ADULT ARCADES IN WHICH SEXUAL ACTIVITY, SEXUAL CONDUCT IS OCCURRING ON THE PREMISES BECAUSE THESE BUSINESSES ARE NOT MADE TO COME INTO COMPLIANCE WITH OUR EXISTING SEXUALLY ORIENTED BUSINESS ORDINANCES. I'VE BEEN TOLD NUMEROUS TIMES, WELL, THIS IS BECAUSE THE BUSINESSES HAVE BEEN GRANDFATHER CLAUDED SO THAT UNTIL THESE BUSINESSES CEASE OPERATING THAT THEY ARE CONTINUED TO OPERATE IN THIS MANNER AND THEY DON'T HAVE TO COME INTO COMPLIANCE. I WOULD SIMPLY SAY

THAT CITY AFTER CITY ACROSS THE UNITED STATES HAS DEALT WITH THIS PROBLEM IN A CONSTITUTIONAL MANNER BY CREATING ORDINANCES THAT HAVE TIME LIMITATIONS PLACED ON THESE TYPES OF BUSINESSES SO THAT THEY'RE GIVEN X NUMBER OF YEARS IN WHICH TO RECOUP ANY CONSTRUCTION LOSS OR RELOCATION LOSS. AND SO I WOULD SIMPLY ASK THAT HERE IN THE CITY OF AUSTIN THAT WE LOOK AT OUR CURRENT ORDINANCES, IF THEY ARE NOT EFFECTIVE IN DEALING WITH THIS PROBLEM, THEN WE NEED TO REDRAFT THESE ORDINANCES SO THAT THESE BUSINESSES ARE GIVEN A DEADLINE IN WHICH TO COME INTO COMPLIANCE. BECAUSE WIRE TALKING ABOUT HUNDREDS OF SEXUAL ACTS OCCURRING EVERYDAY IN THE CITY OF AUSTIN, THOUSANDS EVERY MONTH, SPREADING STD'S, EVERYTHING FROM AIDS TO THE NUMEROUS OTHER STD'S THAT EXIST. AND WE NEED TO ADDRESS THIS ISSUE. NOT ONLY ARE THE PEOPLE THAT ARE ENGAGING IN THIS ACTIVITY ON THE PREMISES AT RISK, BUT THERE ARE MANY UNSUSPECTING PEOPLE BECAUSE MANY OF THESE INDIVIDUALS GO HOME TO UNSUSPECTING SPOUSES AND OTHERS WHO ARE UNAWARE OF THEIR ACTIVITIES. THIS IS PRETTY MUCH A PROBLEM LOCATED IN CENTRAL TEXAS JUST TO AUSTIN. WILLIAMSON COUNTY DOESN'T HAVE THIS PROBLEM, HAYS COUNTY DOESN'T HAVE THIS PROBLEM. SO WE ARE A MAGNET FOR THIS TYPE OF BEHAVIOR, IRRELEVANT RESPONSIBLE BEHAVIOR. AS -- IRRESPONSIBLE BEHAVIOR. AS I TOLD YOU I WENT IN TO VIEW THIS BEHAVIOR EARLIER THIS YEAR, THE VERY FIRST BOOTH I WALKED INTO, THERE WAS A CUSTOMER TOTALLY NAKED THERE WAIT FOR A SEXUAL LIAISON WITH SOMEONE, ANOTHER INDIVIDUAL WHOM HE HAD NO IDEA WHO IT WOULD BE, HE WAS JUST THERE WAITING. [BUZZER SOUNDS] AND IT'S COMMON. I ASK THAT YOU PLEASE TAKE SOME ACTION ON THIS BECAUSE WE ARE SPENDING LOTS OF MONEY ON FIGHTING AIDS AND OTHER SEXUALLY TRANSMITTED DISEASES WHILE WE LET THIS TYPE OF IRRESPONSIBLE BEHAVIOR GO UNCHECKED. OUR POLICE DEPARTMENT AND OTHER OFFICIALS NEED TO SERIOUSLY LOOK AT THIS ISSUE. SO I THANK YOU AND I WILL LEAVE THIS LETTER FOR EACH OF YOU, A COPY JUST RESTATING THIS GRIEVANCE. THANK YOU.

Mayor Wynn: THANK YOU, PASTOR WEAVER.
COUNCILMEMBER THOMAS.

Thomas: MAYOR, CITY MANAGER, SOMEONE FROM STAFF, IN THE NEXT WEEK I DID HAVE THE OPPORTUNITY TO MEET WITH PASTOR WEAVER. I NEED AN UPDATE FROM THE POLICE DEPARTMENT ON EXACTLY WHAT WE'RE DOING, HOW MUCH MANPOWER DO WE HAVE TO ENFORCE THESE RULES AND WHAT ARE WE DOING TO ENHANCE THEM? I NEED A FOLLOW-UP ON COMPLAINTS THAT PASTOR WEAVER BROUGHT TO US.

MY RESPONSE TO THAT IS I MET WITH THE ASSISTANT POLICE CHIEF AND HE SAID THAT THEIR PLANS ARE TO DO NOTHING. THAT THIS IS NOT A PUBLIC MATTER, SO SO FAR THEY HAVE DONE NOTHING AND THEY INTEND TO DO NOTHING BECAUSE IT'S JUST NOT AN ISSUE THAT THEY HAVE THE MANPOWER, THEY SAY, TO ADDRESS. THAT'S THE ANSWER I GOT.

Mayor Wynn: PASTOR WEAVER, NOW THAT COUNCILMEMBER THOMAS HAS MADE THE REQUEST, I THINK THE MANAGER'S OFFICE WILL TAKE IT SERIOUSLY. I WOULD LIKE TO ADD TO THAT REQUEST. OBJECTOBVIOUSLY CRIMINAL ACTIVITY IS NEVER GRANDFATHERED. WE DO HAVE LAND USE, NONCONFORMING LAND USE ISSUES THAT CONTINUE ON, AND I'D ASK PERHAPS THAT AS PART OF THIS RESPONSE TO COUNCILMEMBER THOMAS WE HAVE SORT OF LEGAL AND LAND USE ANALYSIS OF HOW WE GO ABOUT THE WHOLE ISSUE OF NON-CONFORMABILITY AND WHETHER IT'S TRUE THAT THERE IS THE ABILITY FOR CITIES TO HAVE SORT OF AN AMORTIZATION ON CERTAIN NONCONFORMING OR EXPIRING LAND USES. THANK YOU, PASTOR. OKAY. OUR NEXT SPEAKER, MARGARET HENKELS. I HAVEN'T SEEN MARGARET THIS MORNING. ROND REED? -- ROND REED. WELCOME BACK. YOU WILL BE FOLLOWED BY SUSANA ALMANZA.

THIS IS WHEN IS ENOUGH ENOUGH PART 2. FIRST I WOULD LIKE TO THANK THE CITY COUNCIL FOR ALLOWING ME TO SPEAK THIS AFTERNOON. LAST TIME I WAS HERE THE CLUB HAD ALREADY BURNT DOWN, THE BLACK FORUM ADDRESSING THE QUALITY OF LIFE FOR BLACKS IN AUSTIN

WAS JUST ABOUT TO GET UNDERWAY AND THE GENTLEMAN FROM THE NAACP SAID HOW AUSTIN AND THIS CITY COUNCIL ARE AT A CROSSROADS. AUSTIN AND THIS CITY COUNCIL MAY WELL BE AT A CROSSROADS, BUT I THINK WE BLACK AUSTINITES ARE ALSO AT A CROSSROADS. A CROSSROADS THAT HAVE US CHOOSING BETWEENED ROAD OF INDIVIDUAL CHOICE AND PERSONAL RESPONSIBILITY OR THE ROAD THAT HAS US ASKING OTHERS TO HELP US IMPROVE OF QUALITY OF OUR LIVES. ON A SIDE NOTE, LET ME SAY THAT I KNOW THE BLACK BORE FORUM WAS MEANT TO BE A POSITIVE THING, BUT BECAUSE I WAS RAISED BY PARENTS TO BE PROUD OF WHO I AM, IT JUST DOES NOT SIT WELL WITH ME HAVING TO ASK ANYBODY ELSE BUT ME FOR HELP IN IMPROVING THE QUALITY OF MY LIFE. TO GET BACK ON TRACK, BECAUSE A PERSON'S ATTITUDE AND HIS OR HER BELIEFS ARE VIRTUALLY IMPOSSIBLE TO CHANGE, WE NEED A CITY GOVERNMENT WITH STRONG CITY OFFICIALS WHO ARE DEDICATED TO ENSURING ALL AUSTINITES ARE BEING TREATED FAIRLY BY WHATEVER ENTITY THEY DECIDE TO DO BUSINESS WITH, REGARDLESS OF WHETHER IT'S THE UNIVERSITY OF TEXAS, COUNTRY WIDE MORTGAGE COMPANY OR GALLONAWAY AS RESTAURANT. IF THEY DON'T PLAY FAIR THEY SHOULD NOT BE ALLOWED TO DO BUSINESS IN THIS TOUCHDOWN AND WE SHOULD RUN THEM OUT OF TOWN BY SUNDOWN. FOR EXAMPLE, SAY IF I'M TRYING TO ATTEND U.T. AS A TRANSFER STUDENT, BUT ONLY GRADUATED FROM MY PREVIOUS SCHOOL WITH A 2.0 GPA AND U.T. REQUIRES THAT ALL TRANSFER STUDENTS HAVE A 3.0 GPA. THEN THAT WAS MY INDIVIDUAL CHOICE BACK THEN TO PARTY MORE THAN I STUDIED. LIKE WOIZ WISE IF I TRIED TO HAVE A HOME BUILT BUT ONLY HAVE A CREDIT SCORE OF 600 AND WORKING AT A JOB THAT WOULD NOT ALLOW ME TO KEEP UP MONTHLY PAYMENTS FOR 30 YEARS, THEN IT IS MY PERSONAL RESPONSIBILITY TO IMPROVE THE QUAWMENT OF MY LIFE SO I CAN AFFORD TO HAVE THAT HOME BUILT I ALWAYS WANTED. HOWEVER, IF I HAD A 3 OGPA AND A CREDIT SCORE OF 850 AND A JOB OF 50 G'S A YEAR AND STILL DO NOT GET A LOAN FROM COUNTRY WIDE TO GET THAT HOME BUILT OR GALLOWAYS WON'T SERVE ME AND MY GIRLFRIEND WHO WHATEVER REASON, THEN THEY ARE THE ONES NOT PLAYING BY THE RULES. HOW CAN I AS AN AVERAGE JOE BLACK AUSTINITE BE ASSURED THAT I AM

BEING TREATED LIKE EVERY OTHER AUSTINITE? HERE'S HOW. INSTEAD OF A REPORT CARD ON MINORITY GROUPS IN OWN, HOW ABOUT A REPORT CARD ON THE COMPANIES AND INFORMING THE MINORITIES AND ALL AUSTINITES IN ON THE COMPANIES THAT ARE PLAYING FAIRLY. MAYBE IT'S TIME WE PUT THEM UNDER THE MICROSCOPE INSTEAD PUTTING THE STATE OF THE MINORITIES IN THIS TOWN UNDER REVIEW EVERY TIME RACE RELATIONS MAKES THE HEADLINES IN THIS TOWN. FOR THOSE WHO DO NOT PLAY BY THE RULES IN A FITTING PUNISHMENT SHOULD BE SOUGHT. FOR THOSE WHO DO PLAY BY THE RULES -- [BUZZER SOUNDS] IN CLOSING, I DON'T EXPECT, NOR DO I WANT SPECIAL TREATMENT SIMPLY BECAUSE THE COLOR OF MY SKIN IS GOLDEN BROWN. IF THE PLAYING FIELD IS EVEN, I CAN TAKE CARE OF THE QUALITY OF MY OWN LIFE. I AM RONALD SCOTT REED, SHIRLEY REED'S SON, AND I AM BLACK AND I AM PROUD. THANK YOU AGAIN FOR ALLOWING ME TO ADDRESS THIS COUNCIL.

Mayor Wynn: THANK YOU, MR. REED. I WILL SAY THAT COMMUNITY FORUMS THAT HAVE OCCURRED RECENTLY HAVE BEEN REMARKABLY VERY WELL RECEIVED, VERY WELL ATTENDED. IN FACT, ESSENTIALLY STANDING ROOM ONLY AT EVERY FORUM. GROUP SOLUTIONS. MS. JACKSON ORGANIZED THEM IN A VERY SOUND, SORT OF STRUCTURED WAY. WE NOW ARE GOING TO HAVE A DRAMATIC AMOUNT OF INPUT FROM STUDENTS, FROM NATIVE AUSTINITES, FROM NEW COME NEWCOMERS, MAJOR EMPLOYERS, THE FAITH COMMUNITY, AND I RESPECT -- VERY MUCH RESPECT YOUR POSITION AND OPINIONS, BUT I THINK THE REPORT CARD SERVED A VERY GOOD PURPOSE TO GET US INTO THESE MULTIPLE ARENAS. WE'RE NOW GOING TO GET A REMARKABLE AMOUNT OF FEEDBACK. WE WILL GET THAT NEXT THURSDAY, COUNCIL, AS YOU PROBABLY KNOW, -- IN A SIX P.M. PUBLIC HEARING FORMAT. I THINK FOR ALL OF US IT'S BETTER FOR THE COMMUNITY TO HEAR THE RESPONSE THAT WE HAVE RECEIVED AND THEN LET'S FIGURE OUT WHAT ACTION IF ANY NEEDS TO BE TAKEN.

ABSOLUTELY. I ATTENDED ONE OF THE FORUMS AND I WAS REALLY IMPRESSED BY THE INPUT THAT CAME BACK. BUT IT'S DIFFICULT FOR ME TO ASK THE CITY COUNCIL OR ANYBODY OUT IN THE AUDIENCE TO HELP ME IMPROVE THE

QUALITY OF MY LIFE. BUT WHATEVER YOU CAN DO, WHATEVER THE CITY COUNCIL CAN DO, I'M SURE IT WILL BE WELL APPRECIATED. COUNCILMEMBER THOMAS.

Thomas: MR. REED, I THINK WE ALL KNOW A THAT WHAT YOU SAID IS TRUE. WE ALL HAVE TO WORK TO MAKE OUR QUALITY OF LIFE GOOD ALSO, BUT YOU SAID SOMETHING, IT'S THE PLAYING FIELD, IS IT EQUAL ALL THE WAY ACROSS FOR EVERYBODY? I HAD THE OPPORTUNITY TO TALK TO A COUNCILMEMBER AND I THINK HE WAS IN NEW JERSEY, CALLED ME THE OTHER DAY, AND IT'S ALL OVER THE WORLD THAT THE PLAYING FIELD IS ALWAYS NOT EQUAL. SO AS COUNCILMEMBERS AND MAYOR WE HAVE TO MAKE SURE THAT EVERYBODY HAVE THAT OPPORTUNITY. SURE, YOU HAVE TO APPLY AND DO WHAT YOU HAVE TO DO TO BE A SUCCESSFUL CITIZEN IN THE COMMUNITY, BUT SOMETIMES THE PLAYING FIELD IS NOT ALWAYS EQUAL.

RIGHT. AND THAT'S WHY I WAS ASKING CITY COUNCIL TO ENSURE OR HELP US MAKE THE PLAYING FIELD EVEN BY NOT NECESSARILY GETTING INPUT FROM THE COMMUNITY, BUT ALSO GETTING INPUT AND PROVIDING THE COMMUNITY WITH INPUT ABOUT THESE BUSINESSES THAT JUST AREN'T PLAYING FAIRLY. AND THAT WE KNOW THAT IF A BUSINESS OUT THERE IS NOT PLAYING FAIRLY, WE DON'T HAVE TO TAKE OUR DOLLARS TO THEM. WE CAN GO TO SOME OTHER MORTGAGE COMPANY, SOME OTHER UNIVERSITY.

Thomas: THAT'S A GREAT STATEMENT.

Mayor Wynn: THANK YOU, MR. REED. AND I'LL JUST SAY THAT I PREDICT AND HOPE THAT PART OF THE SORT OF RECOMMENDATIONS AND POTENTIAL ACTIONS ARE -- FRANKLY WON'T BE DIRECTED AT CITY GOVERNMENT AND CITY COUNCIL. THAT THERE'S GOING TO BE A SIGNIFICANT SERIES OF POTENTIAL ACTIONS FOR THE PRIVATE SECTOR AND THE LARGE COMMUNITY TO MOVE FORWARD ON SOME ACTION ITEMS. SO THANK YOU, MR. REED. SUSANA ALMANZA? THANKS FOR WAITING, SUSANA. YOU WILL HAVE THREE MINUTES AND YOU WILL BE FOLLOWED BY DORIS WILLIAMS.

GOOD EVENING, MAYOR AND CITY COUNCILMEMBERS, I'M

SUSANA ALMANZA WITH PODER, PEOPLE ORGANIZED IN DEFENSE OF EARTH AND HER RESOURCES. AND I'M NOT AFRAID TO SAY, YES, YOU HAVE A ROLE IN MAKING SURE THAT THE QUALITY OF OUR LIFE IS BETTER AND IT NOT JUST ABOUT THE INDIVIDUAL BECAUSE THERE ARE A LOT OF CONTINUING CIRCUMSTANCES OUT THERE, WHETHER THE QUALITY OF THE SCHOOL IS THERE OR NOT, WHETHER THE QUALITY OF THE HOUSING IS THERE AND WHETHER THE QUALITY OF EMPLOYMENT IS THERE. I THINK THE ROLE IS NOT JUST AS AN INDIVIDUAL, BUT ALL OF US AS CITIZENS OF THIS WHOLE ENTIRE CITY, REALLY EVEN AS WE LOOK AT WORLD CITIZENSHIP AND OUR PART THAT WE NEED TO PLAY IN IT. AND THIS GETS ME TO THE POINT OF AFFORDABILITY OF HOUSING, EVEN THE AFRICAN-AMERICAN FORUMS AND THEY SAYING THEY CAN'T AFFORD TO LIVE HERE. RENTAL IS VERY HIGH AND SO IS OWNERSHIP. AND EVEN THOUGH SOMEBODY HAS OWNED THEIR PROPERTY FOR A LONG TIME ARE FINDING IT DIFFICULT TO HOLD ON TO THEIR PROPERTY, TO INCREASE PROPERTY TAXES TO THE FACT THAT THERE'S NOT ENOUGH HOUSING REHABILITATION PROGRAM AND MONIES THERE FOR HOMES THAT ARE BEGINNING TO GET RUN DOWN AND PEOPLE ARE OPTING OUT TO SELL. WE NEED TO LOOK AT THAT. AND THEN THAT BRINGS ME TO THE WHOLE SALTILLO DISTRICT PLAZA AREA. WE JUST HAD A COMMUNITY ADVISORY GROUP MEETING THIS WEEK, AND I'M VERY CONCERNED THAT PEOPLE ARE LOOKING AT PROFITS, PROFITABLE PROFITS AND LOOKING AT HIGH MARKETING HOUSING FOR THE AREA. I'M VERY CONCERNED THAT THAT IS PUBLIC LAND AND THAT I THINK THE CITY DOES HAVE A ROLE IN THAT AREA EVEN THOUGH CAPITAL METRO SAYS IT OWNS THAT LAND. I THINK WE HAVE TO BE CREATIVE, THINK OUTSIDE OF THE BOX AS WE'VE DONE FOR OTHER AREAS IN AUSTIN, SPECIFICALLY WEST AUSTIN. I THINK WE NEED TO LOOK AT HOW WE CAN DO AFFORDABLE HOUSING, BUT NOT JUST AFFORDABLE HOUSING, BUT HOW DO WE COMBINE THAT WITH PUBLIC HOUSING AND WITH SENIOR CITIZEN HOUSING. I'M IN AGREEMENT THAT YES, WE NEED AFFORDABLE HOUSING, BUT WE ALL KNOW THE AFFORDABLE HOUSING OF TODAY IS NOT REALLY AFFORDABLE HOUSING FOR PEOPLE WHO ARE WORKING ON MINIMUM WAGE OR JUST ABOVE THAT PARTICULAR WAGE. SO WE HAVE TO MAKE SURE THAT WE INCLUDE ALSO A LOW

INCOME HOUSING, WHICH NONE HAS BEEN DONE SINCE 1944 AND BE CREATIVE. DO WE PUT THAT ON THE BOND ISSUE AS WE BEGIN TO LOOK AT AFFORDABLE HOUSING AND HOW THAT MONEY NEEDS TO COME BACK DOWN TO EVEN HELP THOSE WHO ARE ZERO INCOMES. AND SO I WANTED TO TELL THE GENERAL CITY TO LOOK AT AND SUPPORT THE ISSUE OF AFFORDABLE HOUSING AND LOW INCOME HOUSING, AND THOSE WHO HAVE NO INCOME AND THOSE WITH DISABILITIES TO MAKE SURE THAT WE INCLUDE THEM IN THAT PROCESS. AND I ALSO WANTED TO THANK THE AUSTIN TRANSIT COALITION AND THE HOUSING COMMUNITY, THOSE WHO HAVE ADVOCATED SO LONG TO MAKE SURE THAT REAL AFFORDABLE HOUSING IS PUT HERE IN AUSTIN. [BUZZER SOUNDS] AND THAT WE ARE NOT MOVED OUT OF THE URBAN CORE BECAUSE WE'RE STILL VERY MUCH CONCERNED ABOUT GENTRIFICATION. THANK YOU AND THANK YOU, RAUL ALVAREZ FOR WORKING HARD WITH US. THANK ALL OF YOU.

Mayor Wynn: THANK YOU. DORIS WILLIAMS? DORIS WILLIAMS? ROD HARBECK? ROD HARBECK? SO COUNCIL, THAT'S ALL THE CITIZENS WHO HAVE SIGNED UP FOR GENERAL COMMUNICATION. I THINK THE ASSISTANT CITY MANAGER, RUDY GARZA, HAS A RESPONSE TO THE TESTIMONY WE HEARD EARLIER FROM MR. PAT JOHNSON.

RUDY GARZA, ASSISTANT CITY MANAGER. IN I'VE ASKED DAVID DOUGLAS FROM THE LAW DEPARTMENT TO ADDRESS SOME OF THE CONCERNS THAT WERE RAISED CONCERNING THE LEGISLATIVE ISSUES AND THE TIMING THAT WE'RE COMING BACK WITH RECOMMENDATION FOR CHANGES. AND I ALSO ASKED ASSISTANT CHIEF TO TALK TO YOU ABOUT THE ENFORCEMENT. WE ARE ENFORCING ALL CURRENT LAWS AND I WOULD LIKE FOR HIM TO CLARIFY THAT, BUT FIRST THE ASSISTANT CITY ATTORNEY DAVID DOUGLAS.

MAYOR, MAYOR PRO TEM, COUNCILMEMBERS, ON THE ISSUE OF THE TIMING OF COMING TO YOU WITH PROPOSED CHANGES TO THE CITY ORDINANCE ON TOWING, LAST WEEK, SEPTEMBER FIRST WAS MENTIONED AS A POSSIBLE TIME. AND THAT'S BECAUSE THE USUAL TIME FOR LEGISLATION TO TAKE EFFECT IS SEPTEMBER FIRST OF ANY YEAR THAT IS A LEGISLATIVE SESSION YEAR. WE WILL CERTAINLY REVIEW

ALL THE BILLS THAT HAVE ANY EFFECT ON TOWING AS SOON AS THE SESSION IS OVER. THERE IS ONE BILL PENDING THAT COULD AFFECT OUR AUTHORITY WITH REGARD TO TRAFFIC INCIDENT MANAGEMENT PROGRAMS. AND WHETHER IT PASSES OR NOT WE DON'T KNOW AND WON'T KNOW UNTIL THE END OF THE SESSION. SO WE WILL BE REVIEWING THOSE AS SOON AS THE SESSION IS OVER. THANK YOU.

Mayor Wynn: THANK YOU. WELCOME, CHIEF.

THANK YOU, MAYOR, CITY COUNCIL. IN REGARDS TO ACTUAL ENFORCEMENT, IF A CITIZEN HAS THEIR VEHICLE TOWED ILLEGALLY, AND IF THAT CITIZEN CALLS THE AUSTIN POLICE DEPARTMENT, WE WILL LOOK INTO IT. WE WILL ADDRESS THAT ISSUE. SO ANY QUESTIONS?

Mayor Wynn: QUESTIONS, COMMENCE? THANK YOU, CHIEF. SO COUNCIL, THAT'S ALL THE FOLKS WHO OUR CITIZEN COMMUNICATION. WE HAVE NO MORE POSTED ITEMS UNTIL OUR 2:00 O'CLOCK BOND SALE, I BELIEVE. SO AT THIS TIME WE WILL GO INTO CLOSED SESSION PURSUANT TO SECTION 551.071 OF THE OPEN MEETINGS ACT TO POTENTIALLY DISCUSS AGENDA ITEM 35 RELATED TO THE 79TH LEGISLATIVE SESSION AND 36 RELATED TO COLLECTIVE BARGAINING WITH OUR FIREFIGHTERS. WE ARE NOW IN CLOSED SESSION.

WE HAVE BEEN IN CLOSED SESSION PURSUANT TO SECTION 551.071. WE TOOK UP ITEM 36, COLLECTIVE BARGAINING WITH OUR FIREFIGHTERS. NO DECISIONS WERE MADE. DID NOT YET TAKE UP ITEM NUMBER 35. WE'LL NOW GO TO OUR 2 O'CLOCK POSTED BOND SALES. ITEM NUMBER 37. AN ORDINANCE REGARDING SOME REFUNDING BONDS, AND WE'LL ENTERTAIN A PRESENTATION BY MR. BILL NEWMAN. WELCOME, BILL.

MY NAME IS BILL NEWMAN WITH PUBLIC FINANCIAL MANAGEMENT. TALKING TO YOU ABOUT ITEM NUMBER 37, WHICH IS A REFUNDING OF SOME \$198,485,000 IN WATER AND WASTEWATER REFUNDING BONDS. MAYOR AND COUNCIL, AS YOU KNOW, THE CITY HAS A FINANCIAL POLICY IN PLACE THAT SAYS THAT YOU WILL NOT REFINANCE ANY OF THE CITY'S DEBT UNLESS YOU HAVE A MINIMUM OF A

FOUR AND A QUARTER PV SAVINGS. IF YOU LOOK ON PAGE TWO OF THIS PRESENTATION YOU'LL SEE THAT THE RESULTS OF THIS TRANSACTION IS YOU ULTIMATELY WIND UP WITH A 5.2% PRESENT VALUE SAVINGS RULING IN A \$10 MILLION PRESENT VALUE SAVINGS. WHEN WE FIRST SUBMITTED THE RCA ON THIS THING WE WERE ANTICIPATING A \$7 MILLION SAVINGS, SO WE ARE VERY PROUD OF THE RESULTS OF THIS SALE, ON PAGE 3 SHOWS YOU BASICALLY THE PLAYERS ON THE TRANSACTION, YOUR COUNCIL IS HERE, MR. BOB GRANDSFIELD. AND MR. KYLE WITH AN DRAWS AND KURT IS HERE AS WELL. WE WERE VERY FORTUNATE THAT DAY, AS I MENTIONED THE MARKET, THE MARKET STARTED TO STRENGTHEN SOME AND AS THIS QUOTE SAYS, IT QUIETED IN THE AFTERNOON. WE STARTED EARLY IN THE MORNING AS SOON AS THE MARKET OPENED AND BEFORE IT OPENED, WE WERE ABLE TO IMPROVE SOME OF THE RATES AND YIELDS ON THESE BONDS BEFORE WE WENT OUT. AFTER WE ULTIMATELY GOT IN THE MARKET AND STAYED THERE FOR ABOUT AN HOUR AND A HALF, RAIDS CONTINUED TO IMPROVE DURING THE COURSE OF THE MORNING AND WE ACTUALLY REPRICED SOME OF THOSE YIELDS DOWN TWO TO THREE BASIS POINTS ON ALMOST EVERY MATURITY AND PICKED UP SOME ADDITIONAL SAVING, THAT'S WHY THAT SAVINGS WENT FROM 7 MILLION TO \$10 MILLION. PAGE 6 YOU'LL SEE WHAT IS HAPPENING IN THE BOND AND THE TREASURY MARKET. TREASURY MARKET JUST REALLY IMPROVED WEDNESDAY MORNING, AS I SAID, WE'VE BEEN LOOKING AT 415 AND 420 ON TEN YEAR TREASURY YIELDS AND IT GOT DOWN TO 405 THAT MORNING. CURRENT 20 YEAR BOND BUYER YIELDS ARE 487 WITH CURRENT TREASURIES AT 443. PAGE 7 SHOWED YOU YOUR COMPETITION, IF YOU WOULD, IN THE MARKET THAT DAY. THE LARGEST BEING IT SAYS 650 MILLION BUT THE MARKET WAS SO GOOD THAT TURNED OUT TO BE \$853 MILLION NEW YORK CITY TRANSACTION. PAGE 8 GIVES YOU THE RESULTS OF THIS SALE. WE TOOK OUT SOME BONDS THAT RANGE FROM 5% TO 6% IN COUPON RATES AN REPLACED THEM, AS YOU WILL SEE, WITH INTEREST RANGING FROM 332 TO 446. THE TRUE INTEREST COSTS ON THIS TRANSACTION WAS A NICE 4.27%. IF YOU LOOK AT THE RATINGS AT THE BOTTOM OF THIS PAGE, I SHOULD TELL YOU I WOULD BE REMISS IF I DIDN'T MENTION YOU KNOW AS A

MATTER OF COURSE WE TALKED TO AGENCIES WHEN WE DO THIS TRANSACTION, WE INVITED ALL THREE OF THE RATING AGENCIES DOWN HERE. THEY ALL DID AN EXCELLENT JOB OF MAKING A PRESENTATION ON WHAT IS GOING ON WITH THE WATER AND WASTEWATER UTILITY. TOLD ABOUT YOUR PROPOSED CAPITAL PLAN, SO ON, SO FORTH, GOT VERY GOOD WRITE UPS ON THEIR UNDERLYING RATING REPORTS. MAYOR, THAT CONCLUDES OUR PRESENTATION AND CERTAINLY WELCOME TO ANSWER ANY QUESTIONS.

THANK YOU, MR. NEWMAN. COMMENTS, COUNCIL, QUESTIONS? SO MR. NEW MAN, HELP US PUT THIS IN PERSPECTIVE, I KNOW WE HAD A SMALLER DEPARTMENTAL REFUNDING SALE LAST WEEK OR TWO WEEKS AGO, TWO SESSIONS AGO, AND HOW -- HOW CLOSELY NOW HAVE WE SCRUBBED ALL OF OUR OUTSTANDING DEBT, HOW LIKELY ARE THERE GOING TO BE MORE OF THESE COMING FORWARD, HOW FREQUENTLY IS IT ARE THEY CONTEMPLATED.

GO OR THREE THINGS AFFECT THAT, MAYOR, ONE OF THEM IS OBVIOUSLY TO MARKET -- THE LONG-TERM MARKET IS GOING UP OR DOWN, THE LONG-TERM MARKET HAS BEEN RELATIVELY FLAT. THE MIDDLE OF THE MARKET HAS BEEN SOMEWHAT VOLATILE, WHEN IT'S VOLATILE, GOOD OR BAD, IT ALLOWS YOU AN OPPORTUNITY FROM YOUR PERSPECTIVE OF BUYING SECURITIES OR FROM A LOWER RATE ON YOUR BONDS TO ACCESS THIS MARKET. THESE BONDS AND SOME BONDS THAT WE'VE BEEN REFUNDING ARE BONDS THAT ARE EITHER ADVANCE REFUNDABLE, OR AT SOME POINT WHEN YOU GET PAST THAT FIRST TEN YEARS, WHEN WE SELL BONDS THE FIRST TEN YEARS ARE NOT CALLABLE, WHEN YOU GET PAST THOSE FIRST TEN YEARS YOU CAN CURRENTLY CALL THOSE BONDS. WE DO HAVE ONE MORE TRANSACTION FORTHCOMING IN LATE JUNE, PROBABLY LATE JUNE, INVOLVING A REFINANCING FOR SOME OF THE CONVENTION CENTER DEBT. BUT THAT IS ALL WE SEE ON THE TABLE RIGHT NOW. I WAS REALLY SURPRISED TO SEE THE MARKET IMPROVE AS MUCH AS IT IS. I'M VERY PLEASED THAT IT DID, BUT PROBABLY LOOKING AT A MARKET THAT WILL CREEP UP SOME IN MONTHS TO COME.

SO IN GENERAL TERMS WE VISIT WITH TAXPAYERS AN RATE PAYERS OF THESE GENERAL FUND, IS IT SAFE TO SAY THAT WE HAVE AGGRESSIVELY BEEN TAKING ADVANTAGE OF WHAT HAS BEEN OF LOWER INTEREST RATES AN EVERY CHANCE WE GET WE'RE GOING TO CONTINUE TO BRING FORWARD SOME REFUNDING OPPORTUNITIES?

YES, SIR, THAT YOUNG MAN THAT PASSED OUT THAT BOOKS FOR YOU PUSHES YOUR BUTTON EVERY WEEK ON EVERYTHING YOU HAVE AND LOOKS AT THE POTENTIAL OF REFINANCING YOUR DEBT OF ANYTHING YOU HAVE OUTSTANDING. ANY TIME IT COMES CLOSE TO WHAT THE THRESHOLD IS, WE ACTIVATE IT. THERE'S BEEN TIMES WHEN WE ACTIVATED ISSUES AND HAVEN'T BEEN ABLE TO GET THEM HERE BECAUSE THE MARKET TURNED AWAY FROM THEM. WE MONITOR THAT ON A WEEKLY BASIS. THANK YOU, MR. NEWMAN.

FURTHER COMMENTS, QUESTIONS? IF NOT, I'LL ENTERTAIN A MOTION ON ITEM NUMBER 37.

MOVE FOR APPROVAL.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER THOMAS. SECONDED BY COUNCILMEMBER DUNKERLY TO APPROVE ORDINANCE NUMBER 37. FURTHER COMMENTS. HEARING NONE, ALL THOSE IN FAVOR SAY AYE, OPPOSED? MOTION PASSES.

MAYOR AND COUNCIL, THANK YOU, AN CONGRATULATIONS.

SO COUNCIL, AGAIN, THAT IS ALL OF OUR ACTION ITEMS PRIR TO OUR ZONING ORDINANCES AND OUR RESTRICTED COVENANTS, SO AT THIS TIME, WITHOUT EXCEPTION, WE CAN GO BACK INTO CLOSED SESSION, TAKE UP OUR SOLE REMAINING ITEM PURSUANT TO SECTION 551.071 OF THE OPEN MEETINGS ACT. ITEM 35 WOULD BE PROPOSED LEGISLATION IN THE CURRENT 79th LEGISLATIVE SESSION. WE ARE NOW IN CLOSED SESSION.

Mayor Wynn: WE ARE OUT OF CLOSED SESSION, OBVIOUSLY. IN CLOSED SESSION WE TOOK UP ITEMS 35 RELATED TO THE CURRENT LEGISLATIVE SESSION. NO DECISIONS WERE

MADE. WE'LL NOW CALL UP OUR 4:00 O'CLOCK ZONINGS HEARINGS AND ZONING ORDINANCES AND RESTRICTIVE COVENANTS AND I'LL RECOGNIZE MS. ALICE GLASGO.

GOOD AFTERNOON. OUR ZONING CASES FOR TODAY ARE AS FOLLOWS: I'LL START OFF WITH THE ITEMS WHERE YOU HAVE ALREADY HELD AND CLOSED THE PUBLIC HEARING, AND THE ITEMS 38 THROUGH 40. ITEM NUMBER 38, CASE C-14-4-58, SAHARA CLUB EXTENSION. THIS PROPERTY IS LOCATED AT 900 BRAKER LANE. THE EXISTING ZONING IS GR, WHICH STANDS FOR COMMUNITY COMMERCIAL. AND THE APPLICANT IS REQUESTING CS-1, WHICH IS COMMERCIAL LIQUOR SALES. YOU APPROVED THE ZONING ON FIRST AND SECOND READING. UP FOR THIRD READING YOU ASKED THE AGENT TO MEET WITH THE NEIGHBORHOOD AND THEY DID HAVE A MEETING. THE AGENT OFFERED SOME CONDITIONS TO GO INTO A PRIVATE RESTRICTIVE COVENANT; HOWEVER, THE NEIGHBORHOOD FELT LIKE THEY DID NOT HAVE THE ABILITY, WHEREWITHAL TO BE THE ENFORCERS OF A COVENANT AND THEREFORE HAVE DECLINED TO ENTER INTO SUCH A COVENANT. BUT THE MEETING DID TAKE PLACE AND THE AGENT DID OFFER THE ITEMS. THE PRIVATE COVENANT WAS ON SEVERAL ITEMS. HE WANTED TO REPORT THAT TO YOU SO YOU DID KNOW THEY HAD A MEETING AS YOU DIRECTED.

Goodman: CAN I ASK, ALICE, WHAT ARE YOU SAYING? THEY STILL WANT TO BE HEARD TONIGHT?

I WOULD ASSUME SO. I'VE NOT HEARD OTHERWISE. WE HAVE THE ITEM ON FOR COUNCIL FOR APPROVAL OF THIRD READING.

Goodman: IT'S NOT CONSENT, IS IT?

IT DOESN'T HAVE TO BE, COUNCIL. NO ONE HAS SIGNED UP TO SPEAK ON IT, BUT COUNCIL CAN HAVE A DISCUSSION.

Goodman: THERE WERE A LOT OF LEGAL ISSUES BROUGHT UP AT THIS PARTICULAR PROPOSAL OF THIS SITE, IF I'M NOT MISTAKEN WITH TABC, WITH -- (INDISCERNIBLE). IS THAT CORRECT? AND SO I WOULD THINK IF I WERE THE APPLICANT THAT THE BETTER PART OF VALOR WOULD BE TO

WITHDRAW THIS CASE BEFORE ALL THAT BECAME PUBLIC.

WELL, THE AGENT IS CERTAINLY HERE AND HE CAN SPEAK TO IT.

Mayor Wynn: WHY DON'T WE CONSIDER 38 TO BE NOT ON THE CONSENT AGENDA AND LET MS. GLASGO CONTINUE ON AND THAT MIGHT GIVE SOME TIME FOR SOME DISCUSSIONS. MS. GLASGO, GO AHEAD.

OKAY. I'LL CONTINUE WITH THE NEXT ITEM. ITEM NUMBER 39 IS ASSOCIATED WITH ITEM 40 AND ITEM Z-1. IT'S A LITTLE AWKWARD HERE. MAYOR, WHAT I NEED TO DO IS IF WE COULD GO AHEAD -- I NEED TO OFFER ITEMS 39, 40 AND Z-1, WHICH IS RELATED TO THE UNIVERSITY OVERLAY. Z-1 IS A PUBLIC HEARING THAT YOU NEED TO HEAR, SO WE CAN JUST GO AHEAD AND MOVE ON TO THE Z-ITEMS. AND IF WE CAN COMBINE THEM IT WILL MAKE SENSE THAT WAY. 3939 IS TO APPROVE AN ORDINANCE AMENDING AN ORDINANCE ADOPTING THE COMBINED AUSTIN CENTRAL NEIGHBORHOOD PLAN AS A PART OF THE AUSTIN TOMORROW COMPREHENSIVE PLAN TO ESTABLISH A FUTURE LAND USE MAP FOR 2307 RIO GRANDE STREET IN THE WEST UNIVERSITY NEIGHBORHOOD PLANNING AREA TO REFLECT HIGH DENSITY MIXED USE. THAT'S THE FUTURE LAND USE MAP FOR THIS PARTICULAR TRACT. ON ITEM NUMBER 40, WHICH IS ZONING CASE C-14-04-21, THIS IS THE REZONING OF THE SAME PROPERTY THAT IS 2307 AND 2309 RIO GRANDE STREET, SPECIFICALLY TRACT 80-A. AND HERE THE REZONING CHANGE WOULD BE FROM GO-GENERAL OFFICE, TO GO-NP TO ALLOW A MIXED USE BUILDING. AND THEN ITEM NUMBER Z-1 IS TO CONDUCT A PUBLIC HEARING AND APPROVE AN ORDINANCE TO AMEND SECTIONS 25-2-753 AND 25-2-754 OF THE CITY CODE TO MODIFY USE REGULATIONS APPLICABLE TO THE UNIVERSITY NEIGHBORHOOD OVERLAY. THIS IS THE AMENDMENT TO THE U.N.O. ORDINANCE TO ALLOW CERTAIN USES THAT WOULD ACCOMMODATE THE CHANGE FOR TRACT 40. AND THE INTENT HERE WAS TO ALLOW THIS PROPERTY TO BE USED IN ORDER TO HAVE A MIXED USE BUILDING AND ALSO ALLOW USES THAT CAN ENHANCE THIS PARTICULAR PROPERTY AND THE PROJECT WOULD ALSO COMPLY WITH THE STREET SCAPES REQUIREMENTS THAT YOU HAVE IN THE ORDINANCE.

AND THE NEIGHBORHOOD IS SUPPORTIVE OF THE CASE, THE WEST UNIVERSITY PARTNERS ARE IN SUPPORT OF THE CHANGE IN THOSE THREE ELEMENTS, AND THE OWNER IS SUPPORTIVE OF THE CHANGES. SO THOSE ARE THE CONSENT ITEMS. AND THEN MAYOR, I CAN CONTINUE ON TO THE OTHER Z ITEMS. Z-2 IS C-14-05-35. THIS PROPERTY IS LOCATED AT 3101 THROUGH 3105 WEST HOWARD LANE. THE EXISTING ZONING IS G.O., GENERAL OFFICE. THE APPLICANT IS SEEKING GR, WHICH STANDS FOR COMMUNITY COMMERCIAL. THE ZONING AND PLATTING COMMISSION RECOMMENDATION IS TO GRANT GR-CO, AND THIS CASE IS READY FOR FIRST READING. ITEM NUMBER Z-3, CASE C 814-96-0003, PIONEER CROSSING. THIS IS A PROPERTY THAT IS LOCATED AT THE INTERSECTION OF SPRINKLE CUTOFF ROAD APPROXIMATELY 1800 FEET ALONG THE NORTH SIDE OF SAMSUNG BOULEVARD. THE EXISTING ZONING IS PLANNED UNIT DEVELOPMENT. THE APPLICANT IS SEEKING A CHANGE TO PLANNED UNIT DEVELOPMENT ZONING TO MODIFY THE APPROVED LAND USE PLAN TO ALLOW FOR A NIX CHUR OF HOUSING UNITS. AND THIS IS READY FOR FIRST READING. ITEM NUMBER Z-4 WILL BE DISCUSSION. ON Z-5, CROWN--04-31, THE STAFF IS REQUESTING FOR A POSTPONEMENT SO WE CAN HAVE A RECOMMENDATION FOR YOU. ITEM Z-6 WILL BE A DISCUSSION. Z-7 IS A CONSENT ITEM. ITEM C-14-04 041 04185, 505 EAST 10th STREET. THE ZONING AND PLATTING COMMISSION RECOMMENDATION IS TO GRANT CENTRAL BUSINESS DISTRICT WITH CONDITIONAL OVERLAY, AND THIS CASE IS READY FOR FIRST READING. ITEM NUMBER Z-8, C-14-05-24, THIS PROPERTY IS LOCATED COUNTY CORNER OF CARDINAL LANE AND SOUTH SECOND STREET. THE EXISTING ZONING IS SINGLE-FAMILY 3. THE APPLICANT IS REQUESTING SINGLE-FAMILY 6, WHICH IS FOR TOWNHOUSE AND CONDOMINIUM RESIDENCE. AND THE ZONING AND PLATTING COMMISSION RECOMMENDATION IS TO GRANT SF-6-CO. THIS CASE IS READY FOR FIRST READING ONLY. ITEM NUMBER Z-9, CASE C-14-05-23 FOR PROPERTY LOCATED AT 5029 SOUTHWEST PARKWAY. THE EXISTING ZONING IS DEVELOPMENT RESERVE. THE APPLICANT IS REQUESTING GO FOR TRACT ONE. LO LIMITED OFFICE FOR TRACT TWO AND RR FOR RURAL RESIDENCE FOR THE AREA IN THE FLOODPLAIN. THE ZONING AND PLATTING COMMISSION RECOMMENDATION IS TO GRANT

THE APPLICANT'S REQUEST WITH A CONDITIONAL OVERLAY. ADDITIONALLY THE APPLICANT HAS JUST GIVEN ME A LIST OF ADDITIONAL CONDITIONS THAT THE NEIGHBORHOOD HAS AGREED TO. THERE ARE A TOTAL OF -- GIVE ME A MOMENT TO GET MY LIST. THE APPLICANT HAS MET WITH NEIGHBORHOOD IN THE AREA AND THEY'VE COME UP WITH AN ADDITIONAL 19 USES TO PROHIBIT. THIS WOULD BE IN ADDITION TO THE ZONING AND PLATTING COMMISSION COMMISSION AS ALREADY RECOMMENDED FOR PROHIBITION. SO WE'RE GOING TO ADD 19, THEY'RE TOO NUMEROUS FOR ME TO READ. WE'VE GIVEN THE CITY CLERK A COPY OF THOSE USES TO PROHIBIT. ADDITIONALLY THE APPLICANT IS REQUESTING THAT THE FOLLOWING IEWSES BE MADE CONDITIONAL USES, AND THERE ARE: COLLEGE AND UNIVERSITY FACILITIES AND PUBLIC SECONDARY EDUCATION FACILITIES TO BE CLASSIFIED AS CONDITIONAL USES, WHICH WOULD MEAN THAT THEY WOULD REQUIRE SITE PLANS TO BE APPROVED BY THE COMMISSION. AND THAT CAN GO ON CONSENT WITH THOSE ADDITIONAL CONDITIONS. IT'S READY FOR FIRST READING. ITEM NUMBER Z-10 AND Z-11 RELATE TO GABLES AT WESTLAKE, AND THERE'S A REQUEST TO POSTPONE TO MAY THE 26TH SO THAT NEGOTIATIONS CAN CONTINUE. MAYOR, THAT CONCLUDES THE CONSENT ITEMS.

WE JUST HAD A NOTE FROM THE AGENT ON THE SAY RA RA ITEM. -- SAHARA ITEM. HE WOULD LIKE A ONE WEEK POSTPONEMENT SO THAT HE CAN CONTINUE TO LOOK INTO THE CONCERNS AND THEN DECIDE AT THAT TIME WHETHER HE MOVES TO -- HE'S REQUESTING A ONE WEEK POSTPONEMENT TO PONDER.

Mayor Wynn: THANK YOU, MS. GLASGO. SO COUNCIL, OUR CONSENT AGENDA WILL BE 38, A POSTPONEMENT TO MAY 26TH, 2005. ITEM NUMBER 39 TO APPROVE THE FUTURE LAND USE ORDINANCE. AND ITEM 40, APPROVE THIS REZONING ON THIRD READING. AND CASE Z-1 TO APPROVE THE ORDINANCE AMENDING THE USE REGULATIONS. AND OF COURSE TO CLOSE THE PUBLIC HEARING ON Z-1. FOR OUR ZONING CASES, CONTINUING ON TO THE CONSENT AGENDA WOULD BE TO APPROVE BOTH CASES Z-1 AND Z-IT -- Z-2 AND Z-3 ON FIRST READING ONLY. ON Z-5 A POSTPONEMENT TO JUNE 5TH, 2005. CASES 7 AND 8 ALSO APPROVING ON FIRST

READING ONLY, Z-9 WITH THE CONDITIONS AS OUTLINED BY MS. GLASCO AND RECEIVED BY THE CITY CLERK AND TO POSTPONE CASES Z-10 AND Z-11 ONE WEEK TO MAY 26TH, 2005. ALL ENTERTAIN A MOTION. MOTION BY THE MAYOR PRO TEM FOR DISCUSSION. I'LL SECOND.

Z-1 WOULD ALSO BE ON ALL THREE READS.

Mayor Wynn: CORRECT. MAYOR PRO TEM.

Goodman: I WANTED TO ASK ABOUT Z-8, CARDINAL LANE AND THE PROPOSAL. IS THAT A PLACE WHERE THEY PUT IN THE APARTMENTS WAY BACK THEN. THERE WAS A HUGE FLOODING PROBLEM AND WE HAD TO GO IN AND RETROFIT AND THERE WAS ALWAYS JUST SOMETHING ABOUT THAT INTERSECTION A LITTLE BIT DOWN CARDINAL. LOTS OF WATER EVERY TIME IT RAINS. SO THE RETROFIT I THINK WAS THE CITY THAT GOT -- WE WERE ABLE TO PUT SORT OF A REGIONAL -- OH, MAYBE THAT WAS IN CONJUNCTION WITH I-35 -- 71 MOVING INTO I-35, MAYBE THAT'S WHEN WE WERE ABLE TO DO THAT. SO THEN IT DIDN'T FLOOD ANY MORE. THAT'S BEEN A FEW YEARS AND I'M WONDERING WHETHER THE EXISTING CONDITIONS ARE ENOUGH TO TAKE THE RUNOFF FROM THIS DEVELOPMENT AND WHETHER THAT'S AN ISSUE THAT HAS COME UP YET. SO I DON'T NEED TO KNOW IT RIGHT THIS MINUTE, BUT I NEED TO KNOW --

WE'LL LOOK INTO THAT AND REPORT BACK ON SECOND AND THIRD READINGS.

Goodman: AND THE OTHER THING IS I'LL VOTE FOR Z-9 ON FIRST READING, ONLY FIRST READING WITHOUT ANSWERS TO A LOT OF QUESTIONS THAT I HAD ASKED RELATIVE TO MEMBERS OF LOTS AND NET DEVELOPMENT SITE AREA AND A COUPLE OTHER ONES THAT I CAN'T REMEMBER, BUT THOSE HAVE NOT BEEN ANSWERED.

Mayor Wynn: YES, IT'S FIRST READING ONLY. AGAIN, COUNCIL, WE HAVE A MOTION AND A SENGD TO CLOSE ALL THE -- SECOND TO CLOSE ALL THE PUBLIC HEARINGS ON THESE Z CASES AND APPROVE THE CONSENT AGENDA AS READ. ANY COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE

SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SIX TO ZERO WITH COUNCILMEMBER THOMAS OFF THE DAIS. SO MS. GLASGO, Z-4.

Z-4 AND Z-6 ARE RELATED. AND I'LL PRESENT THEM CONCURRENTLY.

TRACKS 901 AND 093 NECHES AND 900 RED RIVER TO CBD, AND ITEM NUMBER Z 6, FOR PROPERTY AT 903 NECHES STREET. THE CASE WAS FILED BY THE COMMISSION TO CONSIDER HISTORIC ZONING T COMMISSION'S RECOMMENDATION DID NOT -- WAS NOT FULFILLED BECAUSE THEY DID NOT HAVE ENOUGH VOTES TO FORWARD THE RECOMMENDATION TO YOU. SO THERE IS NO RECOMMENDATION TO YOU FROM THE HISTORIC COMMISSION, ALTHOUGH THEY ISSUED THE CASE. HOWEVER THE ZONING AND PLATTING COMMISSION HAS A DESIGNATION OF MULTIFAMILY 8 FOR 903 NECHES STREET AND I WOULD LIKE TO HAVE THE MAPS PUT UP SO I CAN SHOW THE TWO TRACKS SO YOU HAVE A GOOD FEEL FOR THEM.

TOO MANY THINGS TO HOLD, THE MICROPHONE, THE POINTER. HERE WE GO. THIS IS 903 NECHES STREET, THAT IS A STRUCTURE THE COMMISSION HAS RECOMMENDED TO MAINTAIN THE EXISTING MULTIFAMILY FOUR ZONING AND ALLOW FOR AN ADDITION OF HISTORIC DESIGNATION T TRACTS ALONG NINTH STREET, THE APPLICANT'S REQUESTING CBD ZONING AND THAT'S WHAT WE HAVE IN FRONT OF YOU, SO FOR Z 4 THE APPLICANTS ARE REQUESTING CDB ZONING. ITEM NUMBER CZ. CASE BY THE HISTORIC COMMISSION FOR A HOUSE THAT IS LOCATED RIGHT THERE AND THE REQUEST IS TO KEEP THE EXISTING ZONING AND GRANT HISTORIC DESIGNATION. I'M GOING TO GIVE YOU A LITTLE HISTORY ON THE HISTORIC CASE. ITEM NUMBER Z-6 HAS AN ITEM THAT INDICATES IT'S PRIORITY ONE FOR PRESERVATION AND IT'S THE ORSAY HOUSE, ORIGINALLY LOCATED AT 301 EAST 14th STREET AND IT'S ASSOCIATED WITH HENRY AND HILDA ORSAY. JUST A LITTLE

HISTORY HERE FOR YOU. THE CIRCA 1896 HOUSE IS OVER 50 YEARS OLD, IS ARCHITECTURALLY INTACT. ALSO THE OTHER ASSOCIATED MEMBER HERE WAS CHARLES J. KOCH WHO WAS AUSTIN'S FIRST DYER, SO HE HAD A DYE SHOP, AND ALSO HEGMAN, SO THOSE WERE THE PEOPLE ASSOCIATED WITH THE STRUCTURE. ARCHITECTURALLY IT'S A ONE STORY GABLE FRAME HOUSE WITH A VICTORIAN PORCH AND PARTIAL PORCH ON THE REAR SIDE FACING THE EAST SIDE AND HAS A CASEMENT -- I HAVE CASEMENT WINDOWS. SO THIS IS THE BRIEF HISTORY ON THE HISTORIC HOUSE AND STEVE SDOVSKY IS HERE SHOULD YOU HAVE MORE IN-DEPTH QUESTIONS REGARDING THE HISTORIC ASPECT OF THIS STRUCTURE. AISEL PAUSE AND LET MR. SUTTLE WHO IS THE AGENT. MR. SUTTLE HAS FILED A PETITION AGAINST THE HISTORIC DESIGNATION FOR ITEM NUMBER Z-6. THERE WOULD REQUIRE 6 VOTES BY THE TIME THIS CASE COMES UP FOR SECOND AND THIRD READINGS -- OR THIRD READING. THAT CONCLUDES MY PRESENTATION, MR. MAYOR.

Mayor Wynn: THANK YOU, MS. GLASGOW. NOW THAT WE'RE TOTALLY CONFUSED, WELCOME MR. SUTTLE.

Mayor Wynn: I SAY THAT, AT LEAST THE MAYOR IS CONFUSED.

LET ME KNOW WHAT WE CAN DO TO UNCONFUSE YOU.

I'M HERE ON BEHALF OF THE PROPERTY OWNER. I CAN'T SAY APPLICANT, BECAUSE THERE'S TWO DIFFERENT ZONING CASES ON THE SAME PIECE OF PROPERTY, THAT IS WHAT IS CONFUSING. MY CLIENT FILED A CBD ZONING CASE, AS IT WAS COMING THROUGH THE PROCESS, ZAP LOOKED AT IT AND SENT IT BACK TO THE LANDMARK COMMISSION AND THE LANDMARK COMMISSION INITIATED ANOTHER ZONING CASE ON TOP OF THE ONE WE FILED ON THE HOUSE ON THE CORNER.

Mayor Wynn: SORRY TO INTERRUPT, JUST ON A PORTION OF YOUR ZONING CASE.

CORRECT WIN WIN JUST ON THE CORNER.

JUST ON THE HOUSE. THEY INITIATED A ZONING CASE ON IT.

THEY HEARD IT. THEY LOCKED UP ON A 3-3 VOTE AS TO WHETHER OR NOT TO RECOMMEND ZONING OR NOT, WHICH IN ITSELF IS INTERESTING. THEN WHEN IT GOT BACK TO ZAP, ZAP THEN RECOMMENDED CBD ON THE BULK OF THE TRACK AND RECOMMENDED H ON THE HOUSE. IT COMES TO YOU TODAY, YOU HAVE A CBD AND THEN YOU HAVE A PIECE OF THE CBD THAT IS AN H. TODAY WE'RE HERE, THE PROPERTY OWNER HAS FILED A WRITTEN OBJECTION TO THE H DESIGNATION, SO IT'S EFFECTIVELY A VALID PETITION, A WE'RE HERE TODAY JUST ASKING FOR CBD ON THE ENTIRE TRACT THAT YOU SEE THERE ALONG NINTH AND NECHES. THE -- YOU MAY HAVE RECENTLY SEEN THIS HOUSE. IT WAS ON THE NEWS A WEEK OR SO AGO ON THE NEWS CHANNEL THAT DID THE ITEM ON DRUG DEALING DOWNTOWN AND WHAT'S GOING ON, AND THIS HOUSE WAS SHOWN, IT'S IN BAD SHAPE, THE OWNER IS HERE TODAY, HE CAN DESCRIBE THAT FOR YOU, BUT THE HOUSE IS IN VERY BAD SHAPE. IT'S BEEN ADDED ON TO. THE -- THE NEIGHBORS TO THIS HOUSE, THE GERMAN TEXAN HERITAGE SOCIETY, THEY ACTUALLY HAVE A HISTORIC HOUSE THAT IS NEXT TO THIS PROPERTY AND THEY'VE WRITTEN A LETTER THEY'VE PROVIDED YOU A COPY OF, BASICALLY THE LETTER SAID THAT THEY ARE FORTUNATE TO HAVE AS THEIR HOME THE OLD SCRER MAN FREE SCHOOL, THE TRULY HISTORIC STRUCTURE WAS ORIGINALLY BUILT IN 1857, THEY UNDERSTAND THE IMPORTANCE OF OBSERVING HISTORIC STRUCTURES IN AUSTIN, THEY GO ON TO SAY IN THE LETTER TO YOU, THEY SAY, HOWEVER, WE AGREE THAT THE HOUSE ON YOUR PROPERTY HAS BEEN ADDED ON TO, CHANGED AND ALLOWED TO DETIERATE SO MUCH OVER THE YEARS THAT IT'S NOT A HISTORIC STRUCTURE WORTHY OF PRESERVATION. THAT IS ONE LETTER OF SUPPORT FROM AN ADJOINING NEIGHBOR THAT IS ACTUALLY A HERITAGE SOCIETY. WE HAVE A LETTER IN YOUR PACKET THERE FROM THE DOWNTOWN AUSTIN ALLIANCE SUPPORTING THE CBD ZONING ON THIS TRACT. MY CLIENT WOULD LIKE TO DID A MIXED-USE PROJECT OVER THERE ACROSS FROM FIRST BAPTIST CHURCH DOWNTOWN AND WE WOULD LIKE TO REQUEST THAT YOU ZONE THE ENTIRE FRAKT CBD AND NOT ZONE THE HOUSE HISTORIC. ANOTHER INTERESTING PIECE ABOUT THIS TRACT IS THERE'S A LARGE TREE ON THE TRACT AND IF YOU WERE TO DECIDE THAT THE HOUSE

NEEDED TO BE SAVED, AND OF COURSE I THINK THE'S PROBABLY SAFE TO SAY THE TREE NEEDS TO BE SAVED ALSO, YOU END UP BASICALLY WRITING THIS BLOCK OFF FOR ANY FUTURE DEVELOPMENT, BECAUSE YOU HAVE HISTORIC HOUSES ON ONE HALF, YOU WOULD HAVE THIS HISTORIC HOUSE AND THE BIG TREE AND IT JUST WON'T WORK. TONIGHT WE'RE ASKING THAT YOU ZONE IT CBD AND NOT ZONE THE HOUSE HISTORIC. I BEAL HAPPY TO ANSWER ANY QUESTIONS YOU MIGHT HAVE.

THANK YOU, MR. SUTTLE. LOOKING AT OUR ZONING SUMMARY, Z-6, IT DOESN'T NOTE BUT SHOULD HAVE NOTED THERE'S A VALID PETITION AGAINST THIS.

THEY JUST RECEIVED THAT TODAY.

OKAY. THAT'S FINE.

MR. SUTTLE JUST GAVE US HIS PETITION.

Mayor Wynn: OKAY, THANK YOU.

JUST BEFORE THE MEETING.

Mayor Wynn: AND SO MS. GLASGOW, ON Z-6, THE HISTORIC ZONING CASE, SOUNDS LIKE A VERY RARE CASE WHERE ZONING AND AND PLATTING COMMISSION SHOWS TO DESIGNATE HISTORIC EVEN THOUGH THE HISTORIC LANDMARKS COMMISSION DID NOT RECOMMEND HISTORIC ZONING. WASN'T A HISTORIC VOTE FOR HISTORIC OVENING FROM THE LANDMARK COMMISSION.

THAT'S CORRECT. THE RECOMMENDATION FLOWS FROM THE HISTORICAL LANDMARK COMMISSION AND THEN THE ZONING AND PLATTING COMMISSION OR PLANNING COMMISSION THEN PICKS UP A JURISDICTION AND MAKES ITS RECOMMENDATION WHICH IS PROVIDE AND THEN FORWARD AS RECOMMENDATION TO YOU SO IT'S JUST A LITTLE ODD IN THIS CASE THAT THERE WAS NOT AN AFFIRMATIVE MOTION TO YOU FROM THE LANDMARK COMMISSION.

Mayor Wynn: CORRECT. THANK YOU. QUESTIONS,

COMMENTS? COUNCIL, MR. SUTTLE WAS THE ONLY SPEAKER SIGNED UP FOR EITHER CASE. Z-4 OR Z-6. COUNCILMEMBER SLUSHER?

Slusher: OKAY. ELECTRIC MAKE SURE I UNDERSTAND THIS. THE PROPOSAL IS FOR CENTRAL BUSINESS DISTRICT ZONING AT 901 TO 903 NECHES.

CORRECT.

Slusher: AND 900 RED RIVER. OKAY?

THAT IS CORRECT.

Slusher: AND THEN THERE'S A HOUSE ON NECHES THAT THE ZAP VOTED TO RECOMMEND FOR HISTORIC ZONING BUT THE HISTORIC LANDMARK COMMISSION DEADLOCKED AND DID NOT RECOMMEND HISTORIC ZONING.

THAT'S CORRECT.

OKAY. THAT'S SORT OF HISTORIC IN ITSELF.

THAT IS TRUE. IT SOUNDS LIKE YOU ALL UNDERSTAND IT NOW.

Slusher: WASN'T REALLY CONFUSED.

CONFUSED BECAUSE YOU HAVE TWO CASES THAT ARE -- AFFECT THE FIVE BUT ONLY A PORTION OF IT, ITEM NUMBER Z-6 ONLY AFFECTS THE -- SEE THE YELLOW HIGHLIGHT AREA, THAT IS THE AREA THAT IS AFFECTED BY Z-6, THE HISTORIC BUILDING, AND THEN EVERYTHING SOUTH OF THAT AND ALL ALONG N ECHES STREET SOUTH OF THE VALLEY IS ITEM NUMBER [INAUDIBLE] , LOOK AT IT THAT WAY. DO WE HAVE SPEAKERS, MAYOR WYNN WIN NO SPEAKERS ON EITHER CASE.

EXCEPT MS. BETTY BAKER THAT SHOWED UP.

WE COULD ASK QUESTIONS.

Mayor Wynn: MS. BAKER HADN'T FIGURED OUT HOW TO SIGN

IN. OKAY. WELCOME, MRS. BAKER. [LAUGHTER].

MAYOR, MEMBERS OF THE COUNCIL, I APOLOGIZE FOR NOT SIGNING IN. I'M NOT CUSTOMARILY HERE. I FEEL LIKE DAVID AND GOLIATH, SO IF Y'ALL COULD CALL ME DAVID GENE TONIGHT IN SPEAKING AGAINST MR. SUTTLE. I WOULD SUPPLEMENT ONE THING HE SAID, THIS WAS ON THE NEWS MONDAY NIGHT, MR. SUTTLE, AND I WATCHED IT. I DON'T THINK THERE'S A QUESTION AND CERTAINLY WASN'T CONTRADICTED BY MR. SUTTLE THAT THE HOUSE IS HISTORIC. MR. ORSAY WHO ORIGINALLY OWNED THE HOUSE WAS A UNION SOLDIER WHO CAME HERE OF THE CIVIL WAR TO TEACH US REBELS HOW TO BEHAVE. WE DIDN'T APPRECIATE IT. AND PROBABLY DON'T APPRECIATE IT STILL BUT IT'S HISTORIC. COMMISSIONER -- COUNCILMEMBER SLUSHER, THE LANDMARK COMMISSION DID NOT VOTE AGAINST IT. THEY HAD NO RECOMMENDATION.

Slusher: THAT'S WHAT I SAID.

OKAY. SO THERE WAS NOT -- THERE WAS NEVER A RECOMMENDATION [INAUDIBLE] [MULTIPLE VOICES] SO I DON'T THINK THERE'S ANY QUESTION THE HOUSE IS HISTORIC. MANY OF YOU HEARD THE MAYOR OF CHARLESTON SEVERAL WEEKS AGO. THIS IS A TREMENDOUS OPPORTUNITY TO DEVELOP MORE HISTORY ABOUT THE DOWNTOWN AREA. I WATCHED THE HOUSE FOR MANY YEAR, VERY DISAPPOINTED THAT IT'S BEEN ALLOWED TO GET INTO THE SHAPE THAT IT IS AND I CERTAINLY WILL NOT DENY THAT, BUT I CANNOT ALSO DENY THAT THE HOUSE IS HISTORIC. THANK YOU.

Mayor Wynn: THANK YOU, MS. BAKER.

MAYOR?

Mayor Wynn: MAYOR PRO TEM? I'LL LET BETTY BAKER OFF THE HOOK AND ASK STEPHEN WHY THE LANDMARK COMMISSION WOULDN'T HAVE ZONED THIS ONE HISTORIC, WHICH IS MUCH MORE SOLID THAN SOME OF THE ONES THEY RECOMMENDED IN RECENT TIMES IN.

THAT IS TRUE, MAYOR PRO TEM. THE HOUSE WAS BUILT IN

1896 BUT IT UNDERWENT A LOT OF RENOVATIONS IN 1941 AND MAINTAINS ITS 1941 APPEARANCE RIGHT NOW, BUT I THINK THAT WAS ONE OF THE CRITICAL FACTORS IN THE LANDMARK COMMISSION'S DECISION.

OKAY.

Mayor Wynn: COUNCILMEMBER SLUSHER?

Slusher: YOU SAID THE HOUSE WAS BUILT IN 1896?

YES.

Slusher: ISN'T THAT A LITTLE LATE FOR THE UNION SOLDIERS TO BE ARRIVING AFTER THE CIVIL WAR.

HE LED THE UNION ARMY INTO AUSTIN IN 1865. THEY BOUGHT THIS PROPERTY IN 1883. WE THINK THERE WAS ANOTHER HOUSE ON THE SITE WHEN THEY BOUGHT IT.

Slusher: OKAY, SO THAT'S NOT THE FIRST PLACE HE WENT, IT'S JUST WHERE HE LIVED 30-SOMETHING YEARS LATER.

NO, SIR. HE LIVED SOMEWHERE ELSE -- EVERY OTHER PLACE THAT HE LIVED NO LONGER EXISTS. HE'S ASSOCIATED WITH A HOUSE THAT WAS MOVED ON TO SYMPHONY SQUARE RIGHT PAST SORANO'S UP THERE, I THINK HE WAS THE OWNER OF THAT HOUSE. I DON'T THINK HE EVER LIVED THERE. HIS WIFE ACTUALLY WAS THE PROPERTY OWNER.

Slusher: OKAY.

Mayor Wynn: MS. GLASGOW, LET'S ASSOCIATION ARE WE READY FOR HOW MANY REDDINGS POTENTIALLY ON Z-4 AND HOW MANY POTENTIALLY ON Z-6.

WE'RE READY FOR FIRST READING ON ALL OF THEM ONLY SINCE WE DIDN'T KNOW WHAT YOU WERE GOING TO DO.

Mayor Wynn: FURTHER QUESTIONS, COMMENTS? I'LL ENTERTAIN A MOTION ON EITHER Z-4 OR Z-6.

COUNCILMEMBER McCracken?

McCracken: I'LL MOVE TO APPROVE Z-4 AND THEN DOES THAT COME WITH IT A MOTION TO DENY HISTORIC ZONING IN Z-6 OR DO THEY NEED TO BE TWO SEPARATE?

YOU NEED TO MAKE A MOTION SEPARATELY. Z-4 AND THEN Z-6.

McCracken: I'LL MOVE TO APPROVE Z-4 FOR CBD-CO.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER McCracken, SECONDED BY COUNCILMEMBER Slusher, TO CLOSE THE PUBLIC HEARING AND APPROVE ON FIRST READING ONLY CASE NUMBER Z-4. ANY COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF FIVE TO ONE WITH MAYOR PRO TEM VOTING NO AND COUNCILMEMBER THOMAS TEMPORARILY OFF THE DAIS. MS. GLASGOW, DO WE NEED TO TAKE ACTION ON Z-6? AS TERRI SAYS, YES.

YES.

Mayor Wynn: I'LL ENTERTAIN A MOTION.

I'LL MOVE TO DENY HISTORIC ITEM Z-6.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER McCracken TO DENY ZONING CASE Z-6.

Slusher: SECOND.

Mayor Wynn: SECONDED BY COUNCILMEMBER Slusher. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED?

NO.

Mayor Wynn: MOTION PASSES ON A VOTE OF FIVE-1-1, WITH MAYOR PRO TEM VOTING NO AND COUNCILMEMBER THOMAS OFF THE DAIS.

MAYOR, UNFORTUNATELY AS WE SPED THROUGH THE CONSENT ITEMS, A CITIZEN DID ARRIVE AFTER WE HAD COMMENCED AND YOU HAD VOTED ON ITEM NUMBER Z-9 AND WE HAVE A REPRESENTATIVE HERE FROM SOS WHO WOULD LIKE FOR YOU TO RECONSIDER ITEM NUMBER Z-9 SO HE CAN SPEAK.

TELL YOU WHAT, COUNCIL, WITH THAT OBJECTION WHY DON'T WE CALL UP THE SPEAKER AND HEAR THE TESTIMONY AND THEN SEE IF THAT -- IF THERE'S A MOTION TO RECONSIDER AFTER THAT. WELCOME, MR. CLARK. THREE MINUTES.

GOOD AFTERNOON, MAYOR, MEMBERS OF THE COUNCIL, I'M COLIN CLARK WITH SAVE OUR SPRINGS. I SIGNED UP FOR THIS BEFORE THE ZONING STUFF STARTED. SIGNED UP AGAINST IT. CLAIRE BERRY SIGNED UP AGAINST IT AND MARY [INAUDIBLE] SIGNED UP AGAINST IT ALL USING THE COMPUTER SYSTEM, SO IT LET US SIGN UP, SO I DON'T KNOW WHY THAT DIDN'T COME THROUGH.

Mayor Wynn: I APOLOGIZE, MR. CLARK, I'M LOOKING AT IT HERE NOW AND THERE'S NO RECORD OF THAT, BUT I'M STILL LEARNING THIS SLIGHTLY.

THEY CAN TESTIFY THAT THEY SIGNED UP. WE'RE ASKING YOU TO DENY THIS ZONING CHANGE FOR PRETTY OBVIOUS REASONS. THERE'S A WHOLE LOT OF OFFICE ZONING ON SOUTHWEST PARKWAY THAT THIS COUNCIL PROBABLY HAD NOTHING TO DO WITH, FROM YEARS PAST, AND WE KNOW AMD IS LOOKING AT MOVING INTO 860,000 SQUARE FEET ON SOUTHWEST PARKWAY AND THERE HAVE BEEN SOME STATEMENTS MADE THAT THERE'S NOT MUCH THE CITY CAN DO BECAUSE THEY ALREADY HAVE THEIR ENTITLEMENTS, HERE WE ARE IN A SITUATION WHERE THIS COUNCIL HAS

COMPLETE DISCRETION OVER WHAT HAPPENS, WHAT GETS BUILT ON THIS PROPERTY, THEY'RE GOING TO COMPLY WITH SOS NO MATTER WHAT THE ZONING IS. SO THE INTENSITY OF DEVELOPMENT ON THE RECHARGE ZONE IS GOING TO BE LEFT ENTIRELY UP TO YOUR VOTE. WHAT WE'RE ASKING THE COUNCIL TO DO IS APPROVE THE ZONING CATEGORY, WILL HAVE THE LEAST INTENSITY OF DEVELOPMENT, AND THAT WOULD BE SF-1 OR SF-2, AND THE POINT WE WOULD REALLY LIKE TO HAMMER HOME IS IF YOU HAD AN SF-1 OR SF-2 ZONING ON THIS 48-ACRE TRACT, THAT WOULD GENERATE AROUND 400 CAR TRIPS PER DAY. THE BACKUP ON THIS ITEM FOR THE PROPOSED 344,000 SQUARE FEET IS 3 -- SORRY, 3,454 TRIPS PER DAY. SO IF YOU ZONE THIS FOR OFFICE, YOU'RE GOING TO HAVE 8 TIMES MORE TRAFFIC GENERATED ON THIS TRACT THAN IF YOU DID AN SF-1 OR SF-2 ZONING AND SO MUCH OF THE PRESSURE FACING THE AQUIFER IS PRESSURE TO EXPAND ROADS AND THAT COMES FROM TRAFFIC. YOUR DECISION HERE IS GOING TO DETERMINE HOW MUCH TRAFFIC IS GENERATED ON THIS SITE. MAYOR PRO TEM AND COUNCILMEMBER SLUSHER, THIS MIGHT BE YOUR LAST VOTE AS CITY COUNCIL MEMBER ON A ZONING CASE OVER THE BARTON SPRINGS RECHARGE ZONE AND WE HOPE THAT YOUR LEGACY WILL BE TO LOWER THE INTENSITY OF USE RATHER THAN GIVE THEM OFFICE ZONING THAT IS GOING TO GENERATE 8 TIMES FOR TRAFFIC ON THIS TRACT THAN A RESIDENTIAL ZONING. AGAIN, THE APPLICANTS ARE GOING TO COMPLY WITH SOS, SO THE IMPERVIOUS COVER IS GOING TO BE 15% NO MATTER WHAT GETS BUILT. WHY GRANT OFFICE ZONING WHEN THERE'S A MILLION SQUARE FEET DOWN THE ROAD? FURTHERMORE, THE COMPANY TRYING TO BUILD HERE, TRANSWESTERN, THEY HAVE AN OFFICE BUILDING ON SOUTHWEST PARKWAY WITH 123,000 SQUARE FEET OF EMPTY SPACE, SO WE DON'T SEE ANY REASON FOR EACH MORE OFFICE ZONING OVER THE RECHARGE ZONE. THANK YOU.

Mayor Wynn: THANK YOU, MR. CLARK. SO COUNCIL, I APOLOGIZE, MY SCREEN DIDN'T SHOW SPEAKERS, SO MR. CLARK WAS THE ONE PERSON WHO HAD SIGNED UP TO SPEAK AND AGAINST, THERE WAS A PERSON WHO IS NOW SIGNED UP TO SPEAK IN FAVOR, CAROLYN PARKER, 3 OTHER

CITIZENS HAVE SIGNED UP AS MR. CLARK DESCRIBED SIGNED UP NOT WISHING TO SPEAK AGAINST. THIS HAS ALREADY PASSED ON FIRST READING BUT IT CAN BE RECONSIDERED. FIRST READING ONLY WITH A NUMBER OF CONDITIONS THAT WERE DELIVERED TO THE CITY CLERK.

MAYOR?

Mayor Wynn: MAYOR PRO TEM?

I GUESS THIS IS A GOOD TIME TO REITERATE WHAT MY QUESTIONS WERE THAT WE WERE GOING TO -- I ASSUME ALL OF US WILL ASK OUR QUESTIONS RELATIVE TO SPECIFIC LOGISTICS AND I WOULD LIKE TO FIND OUT HOW MANY PEOPLE, HOW MANY VEHICLE TRIPS PER DAY ARE GENERATED BY WHAT WE ASSUME THE OFFICE USE WOULD BE BECAUSE IT'S MY UNDERSTANDING THAT SF-1, WHICH WAS ACCEPTABLE, AS I UNDERSTOOD IT, TO SOS, WAS 196, SO 8 TIMES 196 WAS BEYOND MY EXPECTATIONS FOR THE OFFICE COMPLEX AND ALSO THE SPECIFIC STAFF INFORMATION AND BRIEFING INFORMATION ON THE SPECIFIC ENVIRONMENTAL FEATURES RECHARGE FEATURES, WHATEVER, THAT ARE CENTRAL TO THIS TRACT AND THAT WOULD COME INTO PLAY IF WE DIVIDED THEM ALL UP INTO RESIDENTIAL LOTS, EVEN LARGE LOTS, AND ALSO -- OH, DRAT, ONE MORE THING I WAS GOING TO FIND OUT BUT IT'S ESCAPING ME RIGHT NOW. ANYWAY, I DON'T THINK IT'S NECESSARILY AN ABSOLUTE THAT LARGE LOT -- EVEN LARGE LOT RESIDENTIAL IS LESS DETRIMENTAL TO THE AQUIFER AND TO WATER QUALITY THAN OFFICE, BUT CLEARLY PEOPLE -- SOME PEOPLE HAVE THAT EXPECTATION AND ASSUMPTION AND SO WE NEED TO LAY FACTS CLEARLY OUT ON THE TABLE ABOUT THE KIND OF MANAGEMENT BENEFITS YOU GET FROM ONE AS OPPOSED FROM THE OTHER, AND THEN THE IMPACT OF THE MAGNET VEHICLE TRIPS FOR THE OFFICE AS OPPOSED TO RESIDENTIAL. AND GET A CLEAR BALANCING OUT BRIEFING.

Mayor Wynn: COUNCIL, WHY DON'T I SUGGEST, WE HEARD FROM THE ONE SPEAKER SIGNED UP AGAINST, HE'S ASKING US TO RECONSIDER THE VOTE, WHY DON'T WE ALSO THEN HEAR FROM THE ONE PERSON WHO SIGNED UP IN FAVOR TO SEE IF THAT COMPELS THE MAJORITY OF THE COUNCIL TO

JUST REMAIN WITH THEIR VOTE. IS CAROLYN PARKER STILL HERE BY CHANCE? WELCOME, MS. PARKER, I APPARENTLY JUMPED OVER EVERYBODY. WELCOME. WON'T YOU TAKE 3 MINUTES AND TELL US ABOUT YOUR SUPPORT.

MAYOR, MEMBERS OF THE COUNCIL, I'M CAROLYN PARKER, HERE SPEAKING ON BEHALF OF THE OAK ACRES NEIGHBORHOOD ASSOCIATION, AS YOU CAN SEE BY THE MAP, THIS ZONING CASE COMES VERY CLOSE TO OUR NEIGHBORHOOD WHICH IS THE SORT OF SEMI CIRCULAR DRIVE YOU SEE IN THE LOWER LEFT. THIS NEIGHBORHOOD WAS PLATTED IN THE 40s, STARTED BEING BUILT IN THE 50s. IT SHOULDN'T BE WHERE IT IS OVER THE AQUIFER, BUT IT'S THERE. BEING AS HOW WE'RE SOME OF THE OLDEST RESIDENTS IN OAK HILL, WE'RE PRETTY SET IN OUR WAYS AND WE JEBTLY DON'T WANT TO BE BOTHERED. WHEN THIS CASE CAME ALONG WE NEGOTIATED WITH THE OWNERS ON THOSE SAME PRINCIPLES, WE DIDN'T WANT TO HEAR IT, WE DIDN'T WANT TO SEE IT, WE DIDN'T WANT ANYTHING INTRUDING IN OUR NEIGHBORHOOD, THEY LISTENED, THEY HEARD, AND THAT IS THE KIND OF NEGOTIATION YOU GOT, IN TERMS OF ALL OF THESE RECOMMENDATIONS FOR PROHIBITED USE, VERY GENEROUS 750-FOOT SETBACK. BECAUSE THE NEIGHBORHOOD PARTICULARLY DID NOT WANT TO BE ASSAULTED, IF YOU WILL, BY THE PRESENCE OF THIS DEVELOPMENT. CONCERNED ABOUT THE KIND OF DEVELOPMENT THAT MIGHT BE THERE AND DISCUSSION PRO AND CON OF WHETHER IT MIGHT NOT BE A NICE THING TO HAVE A SINGLE FAMILY NEIGHBORHOOD ABUTTING THE BACK OF OUR OWN, FROM EXPERIENCE WE KNOW WHEN YOU BUILD NICE BIG EXPENSIVE ACRES ON ONE ACRE LOTS OUR PROPERTY TAXES GO UP, WE ALSO KNOW WHEN WE'RE NEGOTIATING WITH ONE OWNER IT'S EASIER TO SAY WE DON'T LIKE YOUR NOISE THAN SIT TO BE NEGOTIATING WITH SEVERAL NEIGHBORS THAT ARE NEAR. OUR PROPOSAL IS AN OFFICE DEVELOPMENT WITH THESE CONDITIONS AS STATED BY THE STAFF AND THROUGH THE LETTERS ALREADY PRESENTED TO YOU.

Mayor Wynn: QUESTIONS OF MS. PARKER, COUNCIL? SO COUNCIL, WE'VE HEARD AGAIN, I'LL JUST STATE MY POSITION BEFORE PERHAPS EVEN SEE IF THERE'S GOING TO BE A MOTION, WE'VE POSTED THIS FOR A PUBLIC HEARING,

TWO CITIZENS SIGNED UP WISHING TO SPEAK, ONE IN FAVOR, ONE AGAINST. WE'VE HEARD FROM BOTH OF THOSE SPEAKERS. NOW, THE ACTION WE TOOK TODAY WAS FIRST READING ONLY, MEANING THAT THIS CASE HAS TO COME BACK TO THE COUNCIL, AND I FEEL COMFORTABLE THAT'S AFTER PASSING ON FIRST READING ONLY AND THEN FRANKLY UNDERSTANDING MORE ABOUT THE CONDITIONS THAT WERE INCLUDED IN THE RECORD, I'LL SPEND MORE TIME ON THIS CASE BEFORE IT COMES BACK FOR SECOND AND/OR THIRD READING BUT I DON'T SEE A NEED, FRANKLY, TO HAVE TO RECONSIDER TO HAVE A PUBLIC HEARING WHEN WE'VE HEARD NOW FROM BOTH SPEAKERS WHO SIGNED UP, BUT I'LL ENTERTAIN A MOTION IF THERE'S THE WILL, OR OTHER COMMENTS.

MAYOR, I'LL JUST --

Mayor Wynn: COUNCILMEMBER ALVAREZ.

Alvarez: I WOULD LIKE TO SEE THE TRAFFIC ANALYSIS. I ASSUMED THIS WAS GOING TO BE A DISCUSSION ITEM, SO I - - I -- I WOULD LIKE TO SEE SOME OF THE INFORMATION, MAYOR PRO TEM REQUESTED IN TERMS OF TRAFFIC, IN TERMS OF ENVIRONMENTAL FEATURE, ET CETERA, COMPARING IT TO OTHER DEVELOPMENTS IN AREAS LIKE SF-1 OR SF-2 IN PARTICULAR, SO I'M NOT SURE THAT I WILL BE SUPPORTING THIS IN THE END, BUT I WOULD LIKE TO SEE THAT INFORMATION WHEN IT COMES BACK.

AGREED. AND FOLKS, IT'S NOT UNCOMMON, AN ABSOLUTELY IN MY OPINION IS NOT INCONSISTENT WHATSOEVER FOR ANY COUNCILMEMBER OR MYSELF TO APPROVE SOMETHING ON FIRST READING, WHICH IS WHY WE HAVE MORE THAN ONE READING OFTEN TIMES TO ALLOW MORE INFORMATION TO COME FORWARD BEFORE THE FINAL CONCLUSIVE VOTE ON SECOND AND THIRD OR THIRD READING SO... SO HEARING NO MOTION TO RECONSIDER, THERE WILL BE SOME HOME WORK TO BE DONE BEFORE THE NEXT READING OF THIS ZONING CASE. THANK YOU VERY MUCH. MS. GLASGOW, IS THAT ALL OF OUR ZONING CASES?

YES.

Mayor Wynn: SO COUNCIL, WE HAVE NO ACTION ITEMS PRIOR TO OUR 5:30 LIVE MUSIC AND PROCLAMATIONS.

Mayor Wynn: SO THERE BE NO MORE POSTED ITEMS BEFORE OUR 5:30 LIVE MUSIC CONCERT BY BRETT ABERT, WE NOW RECESS THE CITY COUNCIL MEETING AND COME BACK FOR LIVE MUSIC AT 5:30. THANK YOU.

WHAT WE'VE DECIDED TO DO WITH COUNCILMEMBER ALVAREZ AND COUNCILMEMBER SCHUBERT COUNCILMEMBER SLUSHER, WE DECIDED WE WOULD DO SOMETHING SPECIAL FOR SOMEONE AND SOMETHING SPECIAL FOR THIS TRACT. [APPLAUSE]

THERE'S A WHOLE PROCLAMATION, TWO WONDERFUL PHOTOGRAPHS THAT WERE TAKEN BY JUNEEY PLUMMER AND JERRY STANDING OUT ON THE TOP OF THE OFFICE BUILDING NEXT DOOR. THESE ARE TWO GOOD VIEWS, I'LL READ THE PROCLAMATION. WHEN WE WERE STARTING THIS LITTLE INITIATIVE. YOU KNOW, STEFAN RAY WROTE ME BACK AN E-MAIL AND HE SAID, WHAT SHALL WE CALL IT, THE FAST TRACK? I SAID YES. BUT WHAT IT REALLY IS IS THE SHUEY FAST TRACK. [APPLAUSE] SO, THANKS TO THE MAYOR WITH HIS SEAL AND SIGNATURE, THIS PROCLAMATION IS TO LET IT BE KNOWN THAT WHEREAS THE RECIPIENT HAS BEEN A RESIDENT OF AUSTIN AND GRADUATED FROM UT, WITH ONE OF THREE WOMEN RECEIVING A BACHELOR'S DEGREE IN BUSINESS ADMINISTRATION IN 1937 AND WHEREAS SHE KEPT THE BOOKS AND HAS SEVEN-DAY FORECAST AS TREASURER OF THE SAVE BARTON CREEK ASSOCIATION AND WHEREAS SHE AND HER LATE HUSBAND HOSTED DECADES OF FOLKS PLOTTING GOOD GOVERNMENTS IN THEIR SOUTH AUSTIN LIVING ROOM AND WHERE SHE HAS SERVED ON THE ELECTRIC UTILITY COMMISSION SINCE 1977 AND NEVER MISSED A MEETING AND WHEREAS SHE HAS RECEIVED NUMEROUS AWARDS FROM SUCH ENTITIES AS KEEP AUSTIN BEAUTIFUL, SOUTH AUSTIN DEMOCRATS, THE AUSTIN CHRONICLE, THE CITY, AND CONFIRM HER PUBLIC HERO INSTATUS, AS A PROGRESSIVE LEADER FOR MORE THAN 60 YEARS, NOW THEREFORE, WILL WIP, MAYOR OF THE CITY OF AUSTIN, TEXAS, WITH THE REST OF THE AUSTIN CITY COUNCIL, DOES HEREBY APPROVE RENAMING THE TRACT IN HONOR OF HER CONTRIBUTION OS THE GREAT CITY OF

AUSTIN. [APPLAUSE]

I THINK I'M GOING TO NEED A CHAIR TO SIT DOWN. I'M OVERWHELMED, AS YOU CAN TELL, AND DON'T KNOW HOW TO THANK YOU BUT... [LAUGHTER] BUT, REAL REALLY, I WANT TO THANK THIS CITY AND THE COUNCIL AND ALL OF YOU PEOPLE THAT HAVE HELPED TAKE CARE OF IT ALL THESE YEAR, I FEEL SO BLESSED. I GREW UP IN BASS TROP WITH ABOUT 1900 PEOPLE WHERE EVERYBODY KNEW EVERYBODY, AND I CAME TO AUSTIN AND I LOVE THIS CITY AND I'M SO PROUD TO BE HERE AND ANYTHING I CAN DO TO HELP, AND I HAVE BEEN IN THE NEW NEW COUNCIL CHAMBER, IT'S BEAUTIFUL, I THOUGHT I WOULD TELL YOU ONE THING, THING -- I GIVE CREDIT -- THIS IS MY DAUGHTER, AS I'M SURE YOU'VE HEARD, AND HER WONDERFUL JEFF BACK HERE... [APPLAUSE] ... THEY GIVE ME LOVE AND SUPPORT 24/7, BUT I ALSO REMEMBER MY HUSBAND WHEN HE DIED IN 1990, MY SISTER SAID, WELL, YOU'VE LOST YOUR CHEERLEADER, AND I JUST TELL YOU ONE THING, WAY BACK IN THE EARLY '70s, I WAS WORKING, TRYING TO RAISE A DAUGHTER AND TRYING TO DO WHATEVER, AND DIDN'T PAY TOO MUCH ATTENTION TO THE CITY AFFAIRS. I ALWAYS VOTED. I DON'T THINK I'VE EVER MISSED AN ELECTION. BUT I READ SOMETHING IN THE PAPER ABOUT THE CITY WAS GOING TO DO SOMETHING ABOUT ELECTRIC RATES THAT I DIDN'T THINK WAS RIGHT AND I WAS RANTING AND RAVING AT HOME, AND I SAID, WOULD BOY, I WOULD LIKE TO TELL THEM SO, AND HE WHY DON'T YOU, AND I SAID I CAN'T DO THAT. HE SAID, YES, YOU CAN. I WENT IN AND PACKED UP MY LITTLE WHATEVER, I CAME DOWN TO MY FIRST AND LAST CITY COUNCIL PUBLIC HEARING AND SITTING HERE WITH MY KNEE SHAKING AND READ WHATEVER I HAD TO SAY AND I'VE BEEN COMING TO THE COUNCIL EVER SINCE ON A LOT OF ISSUES THAT WE ALL CARE ABOUT, AND BLESS ALL YOUR FRIENDS. I'VE BEEN TOLD THAT I CAN'T STAND TRANQWILITY. AND I THOUGHT I WOULD PUT SOMETHING OUT AND I THINK IT'S PRETTY FAR SIGHTED, BUT MY OLD FRIEND, ROBERTA CRENSHAW, YOU NAME ADD BRIDGE AFTER HER, I THINK THAT WAS WONDERFUL, I ROOMED NEXT DOOR TO ROBERTA IN 1936. SHE WAS PRESIDENT OF OUR LITTLE SORORITY, AND I WAS WHAT ELSE, TREASURER. AND SO I'VE KNOWN HER AND WATCHED HER EVER SINCE AND THE ONE THING

THAT HER UNREALIZED DREAM WAS FOR THE -- FOR THE LUMBERMAN'S TRACT BETWEEN C-HOME AND LAMAR TO BECOME -- TO COME INTO PUBLIC HANDS, AND I KNOW WHEN THEY HAD A ZONING REQUEST FOR MORE HEIGHT, A FEW YEARS AGO MARY ARNOLD WOULD GO BY AND PICK UP ROBERTA IN HER HUICHOL AND WE WENT TO THE PLANNING COMMISSION AND THE PARKS BOARD AND THE CITY COUNCIL AND THEY DID TURN DOWN THE ZONING REQUEST. AND ABOUT THAT TIME SHE -- SHE ASKED ME ONE DAY IF I WOULD DRIVE HER AROUND AND IT WAS ONE SUNDAY. I PICKED HER UP IN MY OLD STATION WAGON AND SHE HAD ME DRIVE ALL OVER THAT LUMBERMAN'S TRACT, YOU KNOW, WHERE THE CEDAR DOOR USED TO BE AND THE SAND BEACH RESERVE, AND RIGHT AWAY MARY ARNOLD AND ROBERTA CRENSHAW AND SUSAN HENRY FROST GOT SUED OVER TRYING TO PROTECT THE SAND BEACH PRESERVE, AND SHE HAD ME DRIVE ALL IN THE LOWER DOWNTOWN, THE THINK WAS MAKING VALIANT EFFORTS AT THAT TIME, I DON'T KNOW WHAT THEY WERE, TO TRY TO SAVE IT, SHE HAD ME DRIVE ALL OVER DOWNTOWN AND SHE TOLD ME WHICH NEW CONDOS WERE PRETTY AND WHICH WEREN'T, AND ANYWAY, THAT WAS HER DREAM AND I KNOW THE CITY HAS DONE EVERYTHING THEY CAN, BUT I THOUGHT I WOULD THROW THAT OUT AS A CHALLENGE TO THE COMMUNITY. [LAUGHTER]. ANYWAY, BLESS ALL OF YOU AND THANK YOU AND I'M HONORED BEYOND WORDS. [APPLAUSE]

AND WE'RE GOING TO MISS JACQUE AND DARRYL.

THANK YOU VERY MUCH. I'M SO PROUD OF YOU. I REMEMBER YEARS AGO I MET YOU IN THE CITY HALL AND YOU SAID SOME DAY I WANT TO DO VOLUNTEER WORK LIKE YOU DO. REMEMBER THAT?

Mayor Wynn: OKAY, FOLKS, IF I COULD HAVE YOUR ATTENTION, IT'S TIME FOR OUR WEEKLY 5:30 THURSDAY LIVE MUSIC GIG AT THE AUSTIN CITY COUNCIL MEETING. JOINING US TODAY IS BRENT ADAIR. HIS GENERAL RA DEFYING MUSIC CAN BE HEARD ON HIS FIRST FULL LENGTH ALBUM PIECES AS WELL AS 130 RADIO STATIONS NATIONWIDE THAT HAVE ADDED HIS MUSIC TO THEIR PLAY LIST. BRENT PLAYS GUITAR WITH HIS BRAND, THE BRENT ADAIR BAND. HIS SMOOTH VOC ALZ AND CATCHY MELODIES VARY. PLEASE

HELP ME WELCOME TO THE AUSTIN CITY COUNCIL MEETING,
MR. BRENT ADAIR. [(music) MUSIC PLAYING (music)(music)] [(music) MUSIC PLAYING (music)(music)] [(music) MUSIC PLAYING (music)(music)]. [(music) MUSIC PLAYING (music)(music)] [APPLAUSE]

Mayor Wynn: SO BRENT, TELL US, WHERE CAN WE BUY MAY PIECE-- "PIECES"? WHERE CAN WE SEE YOU?

I'VE GOT A CD HERE AT WATERLOO RECORDS, ALSO ONLINE AT BRENTADAIR.COM AND CEBABY.COM, WHICH IS A WEBSITE SUPPORTIVE OF INDEPENDENT ARTISTS, SO GO TO CDBABY.COM. I'VE GOT SOME UPCOMING SHOWS. TOMORROW NIGHT MY BAND AND I WILL BE AT CENTRAL MARKET WESTGATE, THAT'S THE SOUTH LOCATION. AND ANOTHER GIG ON JUNE 5TH AT EGO'S, A COOL LITTLE DIVE ON SOUTH CONGRESS.

Mayor Wynn: BEFORE YOU GET AWAY WE HAVE AN OFFICIAL PROCLAMATION THAT READS: BE IT KNOWN THAT WHEREAS THE LOCAL MUSIC COMMUNITY MAKES MANY CONTRIBUTIONS TOWARDS THE DEVELOPMENT OF AUSTIN'S SOCIAL, ECONOMIC AND CULTURAL DIVERSITY AND WHEREAS THE DEDICATED EFFORTS OF ARTISTS FURTHER AUSTIN'S STATUS AS THE LIVE MUSIC CAPITOL OF THE WORLD, THEREFORE I, WILL WYNN, MAYOR OF THE CITY OF AUSTIN, TEXAS, DO HERE BY PROCLAIM TODAY, MAY 19TH, 2005, AS BRENT ADAIR DAY IN AUSTIN AND JOIN ALL CITIZENS IN JOINING ME IN CONGRATULATING THIS GREAT TALENT. [APPLAUSE] OKAY. SO WHILE BRENT BREAKS DOWN OVER THERE, WE'LL CONTINUE ON WITH OUR PROCLAMATIONS. WE HAVE FIVE OR SIX TO GET DONE TODAY, BOTH PROCLAIMING CERTAIN EVENTS AND MILESTONES AND ALSO RECOGNIZING CERTAIN KEY PEOPLE. THIS FIRST PROCLAMATION REGARDS THE LEAGUE OF WOMEN VOTERS. AND I'D LIKE FOR THEIR REPRESENTATIVES, AT LEAST BARBARA HANKINS TO COME FORWARD AND ANYBODY ELSE THAT WOULD LIKE TO JOIN BARBARA. WELCOME. OKAY. SO WHILE THEY'RE STANDING I'LL READ THE PROCLAMATION. THIS PROCLAMATION READS: BE IT KNOWN THAT WHEREAS THE LEAGUE OF WOMEN VOTERS GREW OUT OF THE WOMEN'S SUFFER RAJ MOVEMENT AND IS A NONPARTISAN POLITICAL GROUP THAT ENCOURAGES THE INFORMED AND

PARTICIPATION OF CITIZENS IN GOVERNMENT AND WHEREAS INTEREST OF THE LEAGUE THROUGH THE YEARS HAS BEEN VARIED, INCLUDING WORLD PEACE, THE ENVIRONMENT, GOOD GOVMENT, SOCIAL ISSUES, CIVIL RIGHTS AND LIBERTIES AND TRADE POLICIES JUST TO NAME A FEW. WHEREAS ONE YEAR OLDER THAN THE NATIONAL ORGANIZATION, THE AUSTIN AREA LEAGUE HAS PROVIDED VOTER'S GUIDES FOR ALL ELECTIONS ADVOCATING ON BEHALF OF VOTERS, PROMOTED VOTER REGISTRATION AND STUDIED AND TAKEN POSITIONS ON ISSUES IMPORTANT TO AUSTIN FOR NOW MORE THAN EIGHT DECADES. SO NOW THEREFORE I, WILL WYNN, MAYOR OF THE CITY OF AUSTIN, TEXAS DO HERE BY PROCLAIM TODAY, MAY 19TH, 2005, AS THE 85th ANNIVERSARY CELEBRATION OF THE LEAGUE OF WOMEN VOTERS IN THE U.S. AND WANT TO CONGRATULATE AND ASK FOR BARBARA TO SAY A FEW WORDS ABOUT THE LEAGUE HERE IN AUSTIN. PLEASE HELP ME IN CONGRATULATING A GREAT ORGANIZATION. [APPLAUSE]

MR. MAYOR, WE THANK YOU FOR THE RECOGNITION YOU'VE GIVEN US THIS EVENING. AS A DIRECT OUTGROWTH OF THE WOMEN'S SUFFERAGE'S GROUP IN AUSTIN AND WE BELIEVE WE ARE THE FIRST GROUP ESTABLISHED IN AUSTIN AFTER WOMEN GOT THE VOTE, WE'VE BEEN SERVING THE PEOPLE OF AUSTIN FOR OVER 85 YEARS WITH INFORMATION ABOUT CANDIDATES AND ISSUES. AND OF COURSE, WE HOPE TO CONTINUE FOR MANY MORE YEARS TO COME. I HAVE A COUPLE OF VERY SPECIAL PEOPLE HERE THIS EVENING THAT I WOULD LIKE TO INTRODUCE TO YOU. THEY'RE FORMER PRESIDENTS OF THE AUSTIN LEAGUE. AND WITHOUT THEM AND ALL OF THE PEOPLE THAT THEY'VE WORKED WITH, WE WOULDN'T BE HERE TODAY. AND KIND OF IN ORDER OF WHICH THEY WERE PRESIDENTS, JANISE MAY, PROFESSOR MAY FROM THE UNIVERSITY OF TEXAS. SUSAN REED. [APPLAUSE] FRANCES MCINTYRE [APPLAUSE] BARBARA HUDSON. [APPLAUSE] AND KAREN HOSCHKE. [APPLAUSE] YOU PROBABLY RECOGNIZE SOME OF THESE PEOPLE BECAUSE MANY OF THEM HAVE GONE ON TO SERVE ON OTHER BOARDS AND COMMISSIONS FOR THE CITY OF AUSTIN. AGAIN, THANK YOU, WE APPRECIATE THE SUPPORT OF YOU AND THE PEOPLE OF AUSTIN HAVE GIVEN US FOR THESE MANY YEARS AND WE COULDN'T DO WHAT WE DO

WITHOUT YOU. THANK YOU. [APPLAUSE]

Mayor Wynn: CITY MANAGER TOBY FUTRELL AND OTHERS I'M SURE WILL JOIN ME FOR THIS NEXT EVENT, WHICH IS A DISTINGUISHED SERVICE AWARD. WE ALSO, OF COURSE, TRY AND RECOGNIZE SO MANY OF THE CITIZENS AND EMPLOYEES WHO COME TO AND THROUGH TOUCHING OUR LIVES AND THE LIVES OF SO MANY PEOPLE IN AUSTIN. THIS DISTINGUISHED SERVICE AWARD WILL BE PRESENTED TO SALLY HENLEY. AND IT READS: FOR HER EXTRAORDINARY SERVICE TO THE CITY OF AUSTIN DURING MORE THAN 24 YEARS IN THE LAW DEPARTMENT, SALLY HENLEY IS DESERVING OF PUBLIC ACCLAIM, RECOGNITION AND SOME TIME OFF. IT ACTUALLY SAYS THAT. SALLY HAS WORKED IN VIRTUALLY EVERY AREA IN WHICH THE LAW DEPARTMENT IS CALLED UPON TO SERVE. SHE BROUGHT HER BALANCED EXPERIENCE TO BEAR AS SHE ASSUMED GREATER AND GREATER RESPONSIBILITIES, EVENTUALLY BECOMING THE LAW DEPARTMENT'S SENIOR DIVISION CHIEF. SHE IS A DEDICATED PROFESSIONAL AND HAS REPRESENTED THE CITY WITH A PROBLEM-SOLVING, CAN-DO ATTITUDE WHILE NEVER LOSING SIGHT OF THE FACT THAT THERE ARE PEOPLE INVOLVED AND LAWYERING, NOT JUST PROCESS. WITH HEART FELT GRATITUDE AND A KEEN SENSE OF LOSS WE RECOGNIZE SALLY'S MANY ACCOMPLISHMENTS, HER EXPERTISE AND HER GREAT COMMITMENT TO OUR CITY OF AUSTIN AND TO ITS EMPLOYEES AND MOST OF ALL TO ITS CITIZENS. THERE IS NO GREATER CALLING THAN PUBLIC SERVICE. SHE WILL TRULY BE MISSED. PRESENTED THIS NINTH DAY OF MAY, 2005, SIGNED BY ME, BUT ACKNOWLEDGED BY ALL THE MEMBERS OF THE AUSTIN CITY COUNCIL. BEFORE WE HEAR FROM SALLY, LET'S GIVE HER A BIG ROUND OF APPLAUSE AND IN A SECOND WE'LL HEAR FROM TOBY FUTRELL. [APPLAUSE]

Futrell: SHE'S NOT GOING TO GET AWAY WITH JUST ONE PERSON TALKING HERE. THESE ARE BECOMING TRADITION. YOU SHOULD ALL BE PAYING ATTENTION BECAUSE WHAT WE'RE WATCHING HERE IS A PASSING OF THE GUARD. YOU'RE SEEING A WHOLE GENERATION WHO HAVE LEFT THIS CITY TO TRULY BE ONE OF THE GREATEST CITIES IN THE NATION RETIRE AND LEAVE OUR CITY AND WE'RE LOSING GREAT MINDS, PASSION, PERSISTENCE. AND WITH

SALLY, MANY OF YOU MAY NOT KNOW, SHE TRULY WAS ONE OF THE ARCHITECTS OF BRINGING OUR HOSPITAL DISTRICT TO BEAR, SO DEEPLY MISSED, IRRELEVANT REPLACEABLE AND UN-- IRREPLACEABLE AND UNFORGETTABLE SALLY. [APPLAUSE] BEFORE SALLY GETS UP HERE, I DO HAVE TO TAKE JUST ONE MOMENT TO REALLY THANK HER. SHE WAS ONE OF THE FIRST PEOPLE I WORKED WITH WHEN I CAME HERE IN 1990, SO ALL THROUGH YEARS WHEN I WAS WORKING ON THE STAFF SIDE OF THE CITY, SHE WAS THERE, SHE WAS CREATIVE, AND I WILL NEVER BE ABLE TO REPAY HER FOR ALL THE MANY THINGS SHE'S DONE TO HELP ME. SO I JUST WANT TO SAY THANK YOU, AND WITH CERTAINLY A LOT OF TEARS IN MY EYES AND I JUST WANT TO WISH HER THE VERY, VERY BEST. [APPLAUSE]

I REALIZED EARLY TODAY THAT IT'S A LOT EASIER TO STAND HERE WHEN YOU'RE FATESING THE COUNCIL AND ANSWERING TOUGH QUESTIONS THAN GOING THROUGH AN EMOTIONAL MOMENT LIKE THIS. BUT I DO WANT TO THANK YOU, MAYOR, TOBY, BETTY, DARRYL, FOR STANDING UP HERE. WE'VE SPENT A LOT OF TIME OVER THE YEARS. I'D ALSO LIKE TO THANK MY FAMILY, MY HUSBAND AND MY DAUGHTER, SARAH AND SON BRYAN AND MY FRIENDS ARE HERE, INCLUDING MY FRIEND FROM LAW SCHOOL, WHICH MEANS WE'VE BEEN FRIENDS FOR A VERY LONG TIME, DISTRICT JUDGE MARGARET COOPER. AND CERTAINLY ALL MY FRIENDS AT THE LAW DEPARTMENT AND THROUGHOUT THE CITY. IT'S OBVIOUSLY WITH VERY MIXED EMOTIONS THAT I'M LEAVING CITY EMPLOYMENT, IT TOOK ME ABOUT A YEAR TO MAKE THIS DECISION, BUT IT'S TIME TO MOVE ON AND MAYBE TRY SOMETHING ELSE, LIKE MAYBE RELAXING, AND ENJOYING AUSTIN A LITTLE BIT MORE. BUT I'VE SEEN MANY EMPLOYEES AND OFFICIALS COME AND GO AND A FEW COME BACK. AND IT'S BEEN GREAT WORKING WITH EVERYONE. I BEGAN WORKING FOR THE CITY IN 1980 AS A PROSECUTOR DOWN AT MUNICIPAL COURT. AT THAT TIME WE HAD 15 ATTORNEYS. WE NOW NOW HAVE 55. WE MOVED FROM THE BROWN BUILDING TO NORWOOD TOWER TO THIS BEAUTIFUL MUNICIPAL BUILDING, WHICH I'M VERY PROUD OF HAVING PLAYED A SMALL PART IN THAT IN TERMS OF THE LAW DEPARTMENT MOVING IN. AND THAT WAS ONE OF MY GOALS BEFORE RETIRING WAS TO GET MOVED IN HERE AND

ENJOY IT. AND I'LL MISS THE BUILDING. IT'S A BEAUTIFUL PLACE. AND ALL THE EVENTS HAVE BEEN GREAT, THE GREAT EMPLOYEE APPRECIATION WEEK WAS QUITE PHENOMENAL. AND I THINK EVERYONE ENJOYED IT AND I APPRECIATED BEING APPRECIATED. THE CITY'S BEEN A GREAT EMPLOYER AND I'M PROUD TO HAVE WORKED HERE AND I'M PROUD TO HAVE KNOWN ALL OF YOU. I WILL BE STAYING IN AUSTIN, SO I'M EXPECTING LUNCH INVITATIONS. AND I'M LOOKING FORWARD TO THAT. AND I'LL MISS YOU ALL. THANK YOU VERY MUCH. [APPLAUSE]

Mayor Wynn: THIS IS PURELY COINCIDENTALLY FOLLOWING SALLY HENLEY'S RETIREMENT, THIS RECOGNITION IS OF OLDER AMERICANS MONTH. [LAUGHTER] I'M JOINED BY SOME FINE FOLKS. I'LL READ THE PROCLAMATION. BE IT KNOWN WHEREAS THE CITY OF AUSTIN IS HOME TO MORE THAN 50,000 CITIZENS AGE 60 OR OLDER WHO ARE A VITAL PART OF OUR DEMOGRAPHIC MAKEUP AND WHEREAS WE CELEBRATE THE 40TH ANNIVERSARY OF THE PASSAGE OF THE OLDER AMERICANS ACT BY CONGRESS, IT IS AN IMPORTANT TIME TO RECOGNIZE AND HONOR THE CONTRIBUTIONS OF OUR OLDER CITIZENS. WHEREAS I ENCOURAGE ALL AUSTINITES TO RECOGNIZE AS WELL AS OUR OLDER CITIZENS, THAT THEY'RE ALL ENTITLED TO DIGNIFIED INDEPENDENT LIVES FREE FROM FEARS, MYTHS AND MISCONCEPTIONS ABOUT AGING AS WELL AS TO ACKNOWLEDGE THE PEOPLE WHO LOVE AND CARE FOR THEM INVOLVING THE LIVES OF OLDER MEMBERS OF OUR COMMUNITY IN OUR COMMUNITY. NOW THEREFORE I, WILL WYNN, MAYOR OF THE CITY OF AUSTIN, TEXAS, DO HERE BY PROCLAIM THIS MONTH, MAY, 2005, AS OLDER AMERICANS MONTH IN AUSTIN. AND AGAIN, WE APPRECIATE OUR OLDER CITIZENS SO MUCH AND I'D LIKE EVERYONE TO PLEASE JOIN ME IN ASKING MS. MARY PETERS TO COME UP AND SAY A FEW WORDS. THANK YOU ALL. [APPLAUSE]

GOOD EVENING. MY NAME IS MARY PETERS AND I'M CO-CHAIR OF THE AIMING SERVICES COUNCIL. AND ALSO MY DAY JOB IS WORKING FOR MEALS ON WHEELS AND MORE. WE HAVE SOME OTHER MEMBERS OF THE COUNCIL HERE THIS EVENING TO SUPPORT THIS PROCLAMATION, WILLIE WILLIAMS FROM HEALTH AND HUMAN SERVICES, FAMILY AND YOUTH HERE WITH THE CITY. RON WILD IS TAKING PHOTOS

OUT THERE. HE IS OUR COORDINATOR WITH THE AGING SERVICES COUNCIL. JEAN TEAL IS WITH WEST AUSTIN CAREGIVERS AND COREY DARLING IS WITH TRAVIS COUNTY HEALTH AND HUMAN SERVICES. I WANTED TO GIVE YOU ALL JUST A LITTLE BIT OF BACKGROUND INFORMATION ON THE AGING SERVICES COUNCIL. IN AN EFFORT TO MAXIMIZE RESOURCES IN AUSTIN, THE AGING SERVICES COUNCIL FORMED BACK IN NOVEMBER OF '03 AS A GROUP GRASSROOTS COLLABORATION OF MORE THAN 20 ORGANIZATIONS THAT CAME TOGETHER TO SUPPORT DIVERSE ISSUES FACING OUR OLDER NEIGHBORS. THE AGING SERVICES COUNCIL, THE PURPOSE OF THE COUNCIL IS TO ENSURE THAT OLDER ADULTS AND CAREGIVERS HAVE THE INFORMATION AND SERVICES THEY NEED TO SUPPORT THEMSELVES AND THEIR FAMILY MEMBERS AS THEY AGE. THE COUNCIL THANKS THE MAYOR AND THE CITY COUNCIL FOR RECOGNIZING AND SUPPORTING THE MONTH OF MAY AS OLDER AMERICANS MONTH. THE THEME THIS YEAR IS CELEBRATE LONG-TERM LIVING. OLDER ADULTS CONTINUE TO MAKE VALUABLE CONTRIBUTIONS TO OUR COMMUNITY, BUT OFTEN TIMES HAVE UNIQUE CONCERNS THAT IMPACT THEM AS THEY AGE. THE AGING SERVICES COUNCIL ACKNOWLEDGES THAT OUR ELDERS ARE LIVING LONER, BUT WE ALSO WANT TO ENSURE THAT THEY ARE LIVING BETTER. TOGETHER I KNOW THAT WE CAN ALL MAKE AUSTIN A GREAT PLACE TO GROW OLD. THANK YOU, MAYOR WYNN AND THE CITY COUNCIL FOR THIS PROCLAMATION. [APPLAUSE]

Mayor Wynn: FOR OUR NEXT AWARD I WOULD LIKE TO RECOGNIZE COUNCILMEMBER BETTY DUNKERLEY.

Dunkerley: WE HAVE ANOTHER IMPORTANT DISTINGUISHED SERVICE AWARD TO ONE OF OUR EXECUTIVES IN THE CITY, SO PATRICIA YOUNG, WILL YOU STEP FORWARD? AT THIS TIME, TRISH YOUNG IS MOVING FROM OUR CITY ORGANIZATION OVER TO THE HOSPITAL DISTRICT, BUT WE ARE GOING TO MISS HAVING HER IN OUR CITY STRUCTURE, BUT WE KNOW THAT THIS COMMUNITY IS BETTER OFF BY HER GOING TO THE HOSPITAL DISTRICT. SO IT'S BITTERSWEET, BUT IT IS A DISTINGUISHED SERVICE AWARD FOR HER SERVICE AS CHIEF EXECUTIVE OFFICER OF THE CITY OF AUSTIN'S COMMUNITY CARE SERVICES DEPARTMENT FOR THE PAST FIVE YEARS. PATRICIA A.

YOUNG IS DESERVING OF PUBLIC ACCLAIM AND RECOGNITION. TRISH IMPLEMENTED DRAMATIC CHANGES DURING HER TENURE THAT EXPANDED ACCESS TO MEDICAL, DENTAL AND MENTAL HEALTH SERVICES TO 40,000 LOW INCOME PATIENTS. SHE FOSTERED A WORKING ENVIRONMENT THAT BROUGHT THE 300 STAFF TOGETHER TO MEET THE DEPARTMENT'S VISION AND MISSION. AND SHE ESTABLISHED COOPERATION WITH OTHER INDIGENT CARE PROVIDERS IN AUSTIN, TRAVIS COUNTY AND BEYOND. SHE ALSO MOVED THE LOCAL HEALTH CENTER SYSTEM TOWARDS TOTAL AUTOMATION. THIS CERTIFICATE IS PRESENTED IN RECOGNITION OF TRISH YOUNG'S CAREER WITH THE AND WITH VERY BEST WISHES FOR CONTINUED SUCCESS IN OTHER RESPONSIBILITIES AS CEO OF THE NEW TRAVIS COUNTY HOSPITAL DISTRICT. THIS PROCLAMATION IS PRESENTED THE 19TH DAY OF MAY IN THE YEAR 2005 FROM THE CITY COUNCIL, AUSTIN, TEXAS, AND IT'S SIGNED BY OUR MAYOR, WILL WYNN. SO CONGRATULATIONS, TRISH. [APPLAUSE] FIEWLT FUTURE THIS ONE --

Futrell: THIS ONE IS A LITTLE BIT DIFFERENT. THIS ONE WE DIDN'T LOSE TO RETIREMENT, THIS ONE WAS TAKEN FROM US. THIS DOESN'T HAPPEN VERY OFTEN. AND I WILL TELL YOU, ANYPLACE BUT THE HOSPITAL DISTRICT, I WOULD BE MAD, BUT SINCE IT'S THE HOSPITAL DISTRICT AND THEY'RE GOING TO NEED THE VERY BEST, TRISH, ALL IS FORGIVEN. [APPLAUSE]

EMOTIONAL MOMENT AS SALLY SAID. THANK YOU SO MUCH. THIS IS REALLY SWEET TO BE ABLE TO BE RECOGNIZED FOR SOMETHING THAT YOU LOVE AND THAT MAKES IT EXTRA SPECIAL. I REALLY MISS BEING IN THIS BUILDING AND WORKING WITH ALL OF YOU, BUT I ALSO HAVE A SPECIAL SITUATION WHERE I REALLY DO GET TO SEE YOU A LOT TIME, AND I GET TO WORK WITH THE PEOPLE THAT I USED TO WORK WITH ALL THE TIME, I JUST GET TO WORK IN A DIFFERENT CAPACITY. AND I WANT TO THANK THE COUNCIL AND EVERYONE HERE FOR THE SUPPORT OF THE DISTRICT. IT'S REALLY IMPORTANT WORK THAT WE'RE DOING AND IT'S REALLY HARD WORK RIGHT NOW AND IT WILL CONTINUE TO BE FOR A VERY LONG TIME, BUT I FEEL LIKE IF WE CONTINUE THE PARTNERSHIPS THAT WE'VE STARTED AND CONTINUE THE WORK THAT ALL OF US HAVE ENVISION UNDERSTAND

THIS COMMUNITY, WE'RE REALLY GOING TO MAKE GREAT STRIDES. AND IT'S NICE TO LOOK AROUND THE ROOM AND SEE ALL THE FACES THAT I KNOW THAT WILL CONTINUE TO BE THERE WITH ME DAY-TO-DAY, AND I KNOW WHERE TO FIND YOU, SALLY. YOU CAN'T GET AWAY. SO THANK YOU, THIS IS JUST REALLY EXCITING AND I'M GOING TO RUN OVER TO THE HOSPITAL DISTRICT BOARD MEETING AND MAYBE I'LL SHARE MY FLOWERS WITH THEM, BUT MAYBE NOT. THANK YOU. [APPLAUSE]

Goodman: OKAY. WE'RE GOING TO DO THE ASIAN PACIFIC AMERICAN CULTURAL HERITAGE PROCLAMATION NOW. AND WE HAVE MS. CHEN AND VINCE COBALIS. THESE FOLKS ARE SUCH HARD WORKING, HELPFUL, I'M GOING TO SAY SINCE I'M LEAVING SOON, THAT YOU HAVE BEEN SO GOOD AND SO HELPFUL TO COUNCILMEMBERS WHO HAVE BEEN TRYING TO SORT OF BRING ALL THE RICH CULTURE THAT WE'VE GOT WITHIN THE CITY INTO A PECKING ORDER AND INTO VISIBILITY, SO THANK YOU BECAUSE I KNOW THAT IT WAS HARD. THE PROCLAMATION IS TO LET IT BE KNOWN THAT ASIAN PACIFIC CULTURAL HERITAGE MONTH IS NATIONALLY RECOGNIZED AS A TIME TO RECOGNIZE THE DIVERSITY OF ASIAN AND PACIFIC ALAND CULTURES AND THEIR INFLUENCE ON OUR COMMUNITY, AND WHEREAS THE CITY OF AUSTIN'S ASIAN AMERICAN EMPLOYEE NETWORK IS HOSTING THE SIXTH ANNUAL CELEBRATION OF THIS CULTURAL EVENT AT PALMER EVENTS CENTER ON MAY THE 20TH FROM 11:30 TO 1:00 P.M. AND WHEREAS AAEN INVITES ALL CITY EMPLOYEES TO JOIN IN THE FESTIVITIES FEATURING CHINESE, FILIPINO, INDIAN, PERSIAN, KOREAN, THAI, AND VIETNAMESE FOOD, ALONG WITH THAI DANCE, FILIPINO SONGS, DEMONSTRATIONS AND MORE, NOW THEREFORE I, WILL WYNN, MAYOR OF THE CITY OF AUSTIN, TEXAS, DOES HERE BY PROCLAIM MAY 2005 AS ASIAN PACIFIC AMERICAN HERITAGE MONTH IN AUSTIN AND WE'RE SO GLAD THAT YOU ALL BE HERE. [APPLAUSE]

I REALLY WANT TO THANK THE MAYOR AND COUNCIL AND IN PARTICULAR I'M SO PLEASED THAT WE'RE GETTING THIS PROCLAMATION READ TO US BY MAYOR PRO TEM JACKIE GOODMAN. I KNOW IN 1996 OR '97 WAS WHEN I FIRST HEARD OF THE ASIAN AMERICAN EMPLOYEE NETWORK ON THE DAIS AT COUNCIL WHEN THEY WERE TALKING ABOUT THE

CREATION OF THE NETWORK. AND I DECIDED THIS IS SOMETHING I REALLY WANT TO LOOK INTO. AND THE COUNCIL HAS BEEN SO SUPPORTIVE AND MAYOR PRO TEM GOODMAN HAS BEEN THERE ALL ALONG WITH MENTORING AND GIVING US ADVICE. I NEED TO SHARE A LITTLE STORY. AFTER OUR VERY FIRST CULTURAL CELEBRATION OVER SIX YEARS AGO, I MET WITH MAYOR PRO TEM GOODMAN AND SHE STARTED TALKING ABOUT HAVING A PARADE AND THINKING SO MUCH BIGGER THAN I WAS THINKING AT THAT TIME AT GIVENS RECREATION CENTER. AND NOW WE'RE HAVING A REALLY NICE EVENT AT PALMER EVENTS CENTER, AND REALLY WANT TO MAKE SURE TO INVITE ALL OF THE CITY OF AUSTIN EMPLOYEES TO JOIN US THERE TOMORROW FROM 11:30 TO 1:00 FOR THIS ENTERTAINMENT AND FOOD AS OUR GIFT TO THE CITY EMPLOYEES FROM THE ASIAN AMERICAN EMPLOYEE NETWORK. THANK YOU. [APPLAUSE]

Goodman: OKAY. AND NOW, SOMETHING THAT I'VE BEEN EQUALLY SUPPORTIVE OF HAVING A BIG BLAST TO CELEBRATE, AND THAT IS AUSTIN-TRAVIS COUNTY E.M.S. THESE ARE FOLKS THAT WE TRUST TO SAVE OUR LIVES, NO MATTER WHERE WE ARE AND WHAT THE CIRCUMSTANCES. AND THEY ARE AS IMPORTANT A PART OF PUBLIC SAFETY AS A.P.D. AND THE FIRE DEPARTMENT, AND THESE FOLKS WORK SO HARD, I CAN'T TELL YOU. I'M GLAD THAT THEIR SITUATION HAS GOTTEN BETTER, ALTHOUGH I THINK THEY STILL WORK TOO LONG OF HOURS, IF I'M NOT MISTAKEN, TAKE TOO MANY SHIFTS, BUT WHAT I WANTED TO SEE HAPPEN, AND IT DIDN'T HAVE TO HAPPEN BEFORE I LEFT, BUT I THOUGHT IT SHOULD HAPPEN SOON, WAS THAT WE REALLY TAKE THE TIME OUT TO CELEBRATE, TO THANK, TO APPLAUD AND TO GIVE E.M.S. PERSONNEL HUGS WHENEVER YOU SEE THEM BECAUSE THEY BRING LIFE AND CARING, GENUINE CARING TO EVERY SINGLE EVENT THAT THEY HAVE TO GO TO. AND I JUST WANTED TO THANK THEM FOR MYSELF BECAUSE IN MY FAMILY WE DID HAVE NEED OF E.M.S. AND THEY CAME THROUGH LIKE CHAMPS, AND THEY COME THROUGH FOR ALL OF US LIKE CHAMPS, FROM THE VERY BEGINNING WHEN THEY WERE A VOLUNTEER SERVICE LIVING UP IN -- SUE, I REMEMBER WHEN YOU WERE HEAD OF E.M.S. TOO. IN FACT, WHEN RUSSIA WAS TRYING TO MOVE INTO A NEW WORLD OF NON-COMMUNISM, THE ONES THAT THEY WANTED TO COME

OVER THERE AND SHOW THEM HOW TO DO EMERGENCY MEDICAL SERVICE WAS OUR E.M.S., AND THAT WAS AMAZING. OUT OF ALL THE FOLKS THEY COULD HAVE ASKED, THEY KNEW WHERE THE BEST WAS. AND IN THAT CONTEXT, THIS PROCLAMATION IS TO LET IT BE KNOWN THAT WHEREAS THE AUSTIN-TRAVIS COUNTY EMERGENCY MEDICAL SERVICES ARE MADE UP OF PARAMEDICS, STARFLIGHT PILOTS AND NURSES, COMMUNICATION MEDICS, EDUCATORS, ADMINISTRATORS AND OTHERS, ALONG WITH FIREFIGHTERS, POLICE AND FIRST RESPONDERS WHO ARE READY TO PROVIDE LIFE-SAVING CARE TO THOSE IN NEED 24 HOURS A DAY, SEVEN DAYS A WEEK, AND WHEREAS ACCESS TO QUALITY EMERGENCY CARE CAN RADICALLY IMPROVE THE SURVIVAL AND RECOVERY RATE OF THOSE WHO EXPERIENCE SUDDEN ILLNESS OR TRAUMATIC INJURY, AND WHEREAS ALL AUSTINITES BENEFIT DAILY FROM THE KNOWLEDGE AND SKILL FOR THESE HIGHLY TRAINED PROFESSIONALS AND WE HERE BY EXPRESS OUR SINCERE APPRECIATION FOR THE VITAL SERVICE THEY PROVIDE TO OUR CITY AND COUNTY. NOW THEREFORE WILL WYNN, MAYOR OF THE CITY OF AUSTIN, TEXAS, DOES HERE BY PROCLAIM MAY 15TH THROUGH MAY 21st, 2005 AS THE EMERGENCY MEDICAL SERVICES WEEK IN AUSTIN AND INVITES YOU TO JOIN WITH US IN GOING TO ALL THE EVENTS AVAILABLE TO TAKE TIME TO KNOW YOUR E.M.S. BECAUSE THEY ARE WHAT MAKE AUSTIN SPECIAL. THANKS. [APPLAUSE]

MAYOR PRO TEM, THANK YOU FOR THOSE KIND WORDS. MAY MY TRAVELS THROUGHOUT THE COUNTRY WHEN I VISIT WITH MY COLLEAGUES, ONE OF THE THINGS I'M CONSTANTLY ASKED IS WHY IS AUSTIN-TRAVIS COUNTY E.M.S. ALWAYS RANKED IN THE TOP FIVE E.M.S. SYSTEMS IN THE COUNTRY? IT'S REALLY EASY ANSWER. WE'VE GOT A LOT OF VERY COMMITTED, DEDICATED EMPLOYEES, WE'VE GOT GOOD MEDICAL DIRECTION, WE'VE GOT EVEN MORE IMPORTANTLY WE HAVE TREMENDOUS COMMUNITY SUPPORT AND BACKING, AND WE'VE ALWAYS HAD TREMENDOUS COUNCIL AND CITY MANAGEMENT SUPPORT AND BACKING TO ALLOW US TO CONTINUE WITH OUR MISSION, WHICH IS TO PROVIDE THE BEST HOSPITAL CARE WE CAN FOR THIS COMMUNITY. WE THANK Y'ALL FOR YOUR

SUPPORT. [APPLAUSE]

A FEW OF MY SHY COLLEAGUES DON'T WANT TO SPEAK,
OTHER THAN DR. ROCK. [LAUGHTER]

THANK YOU, MAYOR PRO TEM, COUNCILMEMBERS. THIS IS
WONDERFUL FOR US. THE MEN AND WOMEN THAT PROVIDE
EMERGENCY MEDICAL SERVICES ARE PROUD TO DO THIS.
AND I THANK MY COLLEAGUES IN THE ROOM BEHIND US. I
THINK THEY WOULD ALL AGREE THAT WE NEVER WANT TO
HAVE TO COME OUT, NEVER WANT TO HAVE TO DO OUR JOB,
BUT WE WILL DO THE BEST JOB WE CAN AT PUTTING YOU
RIGHT BACK TO WHERE YOU BELONG AND TAKING THAT
INJURY OR ILLNESS AND DOING THE BEST JOB WE CAN. THE
MEN AND WOMEN THAT DO THIS OUT THERE FOR OUR
COMMUNITY DO IT WHEN THEY'RE TIRED, WHEN IT'S
RAINING, WHEN IT'S ICY, WHEN IT'S HOT, AND WITH A BUNCH
OF PATIENTS OR JUST ONE PATIENT, AND THEY DO IT WELL
EACH TIME THEY DO IT. SOME FOLKS HAVE BEEN DOING IT
FOR YEARS AND YEARS. RICHARD PROBABLY REMEMBERS
HAVING TO HOOK THE HORSES UP AND GORDON WOULD
GET THE LEESHZ OUT FOR ANY -- LEASHES OUT FOR ANY
EMERGENCY AND THAT HORSE AND THOSE LEASHES
WOULD MOVE FORWARD. BUT WE'RE PROUD TO SERVE THIS
COMMUNITY, WE'RE PROUD OF ALL OUR COLLEAGUES OUT
THERE. AND AS RICHARD SAID, WE REALLY TRULY
APPRECIATE THE COMMUNITY'S SUPPORT AND THE
SUPPORT FOR US TO DO OUR JOB. SO THANK YOU. [
APPLAUSE]

Goodman: THIS IS THE LAST PROCLAMATION OF THE EVENING
AND WE'RE GOING TO DO E.M.S. PROUD. THERE'S A
CEREMONY IN THE PLAZA AND WE INVITE YOU ALL TO JOIN
US OUT THERE AS WE CELEBRATE AND APPRECIATE TWO
LEGENDS OF E.M.S. [APPLAUSE]

Mayor Wynn: THERE BEING A QUORUM PRESENT, AT THIS
TIME I'LL CALL BACK TO ORDER THIS MEETING OF THE
AUSTIN CITY COUNCIL. WE HAVE THREE QUICK PUBLIC
HEARINGS LEFT AND ONE OTHER ACTION ITEM. WE HAVE
TWO PUBLIC HEARINGS FROM OUR NEIGHBORHOOD
PLANNING AND ZONING DEPARTMENT, ITEMS 42 4242 AND 42,

BOTH ANNEXATIONS. WE'LL HAVE A BRIEF PRESENTATION.

MY NAME IS VIRGINIA COLLIER WITH THE PLAN PLAN DEPARTMENT. ITEM NUMBER 41 IS THE LIMITED PURPOSE ANNEXATION OF THE WAWRDS EDGE. THIS IS THE FIRST PUBLIC HEARING. THE NEXT PUBLIC HEARING IS HELD FOR NEXT THURSDAY, MAY 26TH. THIS AREA INCLUDES APPROXIMATELY 418 ACRES AND IS LOCATED IN TRAVIS COUNTY EAST OF THE AUSTIN-BERGSTROM INTERNATIONAL AIRPORT AT THE NORTHWEST CORNER OF STATE HIGHWAY 71 AND DOCTOR SCOTT DRIVE. THE WATERS EDGE AREA IS BEING PROPOSED FOR LIMITED PURPOSE ANNEXATION AND SAFE CONVERSION TO FULL PURPOSE IN ACCORDANCE WITH THE DEVELOPER'S REQUEST FOR ANNEXATION. COPIES OF THE PLANNING STUDY AND REGULATORY PLAN ON THE TABLE LIND BEHIND ME THIS EVENING OF. AND THIS CONCLUDES MY PRESENTATION.

Mayor Wynn: THANK YOU VERY MUCH. QUESTIONS? COUNCIL? WE HAVE NO CITIZENS SIGNED UP. ARE THERE ANY CITIZENS THAT WOULD LIKE TO ADDRESS US ON THIS ITEM, NUMBER 41, THE LIMITED PURPOSE ANNEXATION OF THE WAWRDS EDGE ANNEXATION AREA. MOTION MADE BY COUNCILMEMBER SLUSHER, SECONDED BY COUNCILMEMBER DUNKERLEY TO CLOSE THIS PUBLIC HEARING ALL THOSE IN FAVOR, SIGNIFY BY SAYING AYE PLEASE SAY AYE. OPPOSED? MOTION TO CLEES THE PUBLIC HEARING PASSES ON A VOTE OF FOUR TO ZERO WITH THE MAYOR PRO TEM, COUNCILMEMBERS MCCRACKEN AND THOMAS OFF THE DAIS. ITEM 42.

THIS IS THE FIRST OF TWO PUBLIC HEARINGS FOR THE HARRIS BRANCH APARTMENTS SMART HOUSING ANNEXATION AREA. THE SECOND HEARING IS SCHEDULED FOR NEXT THURSDAY, MAY 26TH AND ORDINANCE READINGS ARE TENTATIVELY SCHEDULED FOR JUNE 23rd. THIS AREA INCLUDES APPROXIMATELY 21 ACRES AND IS LOCATED IN TRAVIS COUNTY NORTHEAST OF THE CONDITION OF DESSAU ROAD AND PARMER LANE. THIS TRACT IS THE SITE OF A PROPOSED SMART HOUSING DEVELOPMENT THAT INCLUDES A PROPOSED 250 UNIT APARTMENT COMMUNITY. UPON ANNEXATION THE COMMUNITY WILL TAKE OVER SPONLT FOR SERVICES CURRENTLY PROVIDED BY THE COUNTY, IN

ADDITION TO PROVIDING SERVICES NOT CURRENTLY AVAILABLE. COPIES OF THE SERVICE PLAN ARE LOCATED ON THE TABLE BEHIND ME HERE THIS EVENING AND I'D BE HAPPY TO ANSWER ANY QUESTIONS ABOUT THIS PROPOSED ANNEXATION AREA.

Mayor Wynn: THANK YOU. QUESTIONS, COUNCIL? ARE THERE ANY CITIZENS WHO WOULD LIKE TO ADDRESS US FOR THIS PUBLIC HEARING, THE FULL PURPOSE ANNEXATION OF THE HARRIS BRANCH APARTMENT SMART HOUSING AREA. HEARING NONE, I'LL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING.

SO MOVE.

Mayor Wynn: MOTION BY COUNCILMEMBER DUNKERLEY, SECONDED BY COUNCILMEMBER ALVAREZ TO CLOSE THIS PUBLIC HEARING. ALL IN FAVOR, PLEASE SAY AYE.

'88.

Mayor Wynn: OPPOSED? MOTION TO CLOSE THE PUBLIC HEARING PASSEDS ON A VOTE OF FOUR TO ZERO WITH THE MAYOR PRO TEM, COUNCILMEMBERS THOMAS AND MCCracken TEMPORARILY OFF THE DAIS.

ITEM NUMBER 43 ON TODAY'S AGENDA INVOLVES A PUBLIC HEARING AND ACTION REGARDING THE REQUEST FOR THE CITY'S CONSENT TO THE CREATION OF THE PROPOSED WINFIELD M.U.D.S NUMBER 1, 2, 3 AND 4. THESE ARE NON-CITY SERVICE M.U.D.'S LOCATED ON APPROXIMATELY 2,428 ACRES EAST OF I-35 AT THE TRAVIS AND HAYS COUNTY LINE IN BOTH AUSTIN AND THE EXTRATERRITORIAL JURISDICTIONS. THE DEVELOPER IS HERE THIS EVENING AND WOULD LIKE TO ADDRESS THE COUNCIL FOLLOWING A BRIEF STAFF PRESENTATION. A PETITION TO CREATE THE WINFIELD M.U.D.'S WAS FILED AT THE TCEQ IN ACCORDANCE WITH THE STATE LAW PROCESS FOR THE M.U.D. CREATION. THERE ARE SEVERAL COMPONENTS TO THIS PROJECT. ONE IS THE CONSENT AGREEMENT. TWO IS THE STRATEGIC PARTNERSHIP AGREEMENT WITH M.U.D. NUMBER 2. THIRD IS THE EXCHANGE OF E.T.J. WITH BUDA. THE CITY OF AUSTIN HAS NEGOTIATED WITH THE DEVELOPER. A CONSENT

AGREEMENT REGARDING THE CREATION AND OPERATION OF THE M.U.D.'S THAT INCLUDE PROVISION OF THE DEDICATION OF ONE AND A HALF ACRES OF DEVELOPABLE LAND FOR AN AUSTIN FIRE AND E.M.S. STATION SITE. VOLUNTARY AGREEMENT CONCERNING LIMITATIONS ON THE USE OF BARTON SPRINGS/HE EDWARD'S AQUIFER GROUND WATER FOR THE M.U.D. ANNEXATIONS FOR M.U.D. NUMBER 2, INCLUDING A STRATEGIC AGREEMENT WITH THE M.U.D. IN THE STRATEGIC PARTNERSHIP AGREEMENT WITH THE M.U.D., THE M.U.D. AGREES TO LIMITED PURPOSE ANNEXATION IMMEDIATELY AND FULL PURPOSE ANNEXATION IN THE FUTURE. APPLY FOR ZONING WITHIN ONE YEAR AFTER THE FTA IS APPROVED. COLLECTION OF CITY SALES TAX IN THE AREA. ALSO KNOW THAT TEXAS A&M HAS THE OPTION TO PURCHASE APPROXIMATELY 5 HUNDRED ACRES IN NUMBER TWO. FOLLOWING CREATION OF THE M.U.D.'S, ANY EXECUTION OF A STRATEGIC PARTNERSHIP WITH MUD NUMBER 2, BUDA AND AUSTIN WILL EXCHANGE E.T.J.'S SO THAT ALL OF MUD NUMBER 2, WHICH IS ENTIRELY NONRESIDENTIAL, IS IN AUSTIN'S E.T.J. M.U.D. NUMBER ONE, WHICH INCLUDES COMMERCIAL AND RESIDENTIAL USES, WILL BE IN BUDA. AND NUMBER 3 AND 4 WILL BE IN BUDA'S E.T.J. AND THOSE ARE BOTH RESIDENTIAL AS WELL. THE AFFECTED LANDOWNERS HAVE ALREADY AGREED TO THIS EXCHANGE AND THE CITY COUNCIL APPROVED IT IN AN INTERLOCAL AGREEMENT ON MAY 3RD. BOTH THE PLANNING COMMISSION AND WASTEWATER COMMISSION HAVE RECOMMENDED APPROVAL OF THE CONSENT AGREEMENT FOR THE CREATION OF THE DISTRICTS AND AS I MENTIONED, STEVE BARTLETT IS HERE THIS EVENING AND WOULD LIKE TO ADDRESS THE COUNCIL AT THIS TIME.

Mayor Wynn: THANK YOU, MS. COLLIER. AT THIS TIME WE'LL HEAR PRESENTATION FROM THE DEVELOPER. WE HAVE A HANDFUL -- A COUPLE OF CITIZENS WHO SIGNED UP WISHING TO SPEAK. WELCOME, MR. BARTLETT.

THANK YOU VERY MUCH. MY NAME IS STEVE BARTLETT. I REALLY JUST WANTED TO ADDRESS ONE ITEM AND THEN I'D BE HAPPY TO ANSWER ANY QUESTIONS THAT MIGHT COME UP. ONE OF THE THINGS THAT WE DID WAS TALK TO THE CITY ABOUT RESTRICTING GROUNDWATER USE, AND THAT

HAS BEEN SOMETHING THAT WE REQUIRED AS PART OF THE CONSENT AGREEMENT THAT WE WANT ADHERED TO BECAUSE WE ARE LOOKING AT OTHER ALTERNATIVE USES FOR OUR WATER NEEDS OVER TIME. SO WE ARE NOT GOING TO BE DRILLING ANY NEW WELLS OR ASKING FOR ANY NEW PERMITS FOR OURSELVES OR THROUGH ANY OTHER ENTITIES. SO JUST WANTED TO REALLY MAKE THAT PERFECTLY CLEAR THAT WE HAD ASKED FOR THAT, NOT THE CITY OF AUSTIN, WE'RE REQUIRING THAT AS PART OF THE CONSENT AGREEMENT. I'D BE HAPPY TO ANSWER ANY OTHER QUESTIONS.

Mayor Wynn: THANK YOU. QUESTIONS FOR MR. BARTLETT, COUNCIL. IF NOT, WE HAVE A COUPLE OF CITIZENS WHO SIGNED UP WISHING TO SPEAK. LET'S SEE. FIRST ARREST ARNOLD SIGNED UP NOT WISHING TO SPEAK, OPPOSED. MR. COLIN CLARK, WELCOME. YOU WILL HAVE THREE MINUTE AND YOU WILL BE FOLLOWED BY STEVE BEERS.

GOOD EVENING, MAYOR AND COUNCIL. COLIN CLARK WITH SAVE OUR SPRINGS. AND WE'RE NOT OPPOSED TO THE CREATION OF THE M.U.D.'S, BUT THE CITY HAD WORKED OUT A REALLY GREAT DEAL THAT THE DEVELOPERS AGREED TO IN WHICH THEY WOULD AGREE NOT TO USE ANY EDWARD'S AQUIFER WATER. AND NOW THE ARRANGEMENT WOULD ALLOW THEM TO USE AQUIFER WATER FROM AN EXISTING WELL, AND WE'RE CONCERNED BECAUSE OVER TIME THERE'S GOING TO BE MORE PRESSURE FOR MORE PUMPAGE. AND I UNDERSTAND THE WAY THIS IS WRITTEN THEY WOULDN'T BE ABLE TO DRILL NEW WELLS OR INCREASE PUMPING ON EXISTING WELLS. BUT CONSIDER THIS, BUDA AND KYLE GET ALL THEIR WATER FROM THE EDWARD'S AQUIFER. THEY'RE BRINGING IN GBRA SURFACE WATER TO REDUCE THEIR DEPENDENCE ON AQUIFER WATER, BUT THEY GET THAT WATER OUT OF WELLS THAT ARE CURRENTLY PERMITTED. BUDA IS 250 MILLION GALLONS A YEAR. I DON'T KNOW WHAT KYLE IS, BUT IT'S IN THE TENS OF MILLIONS OF GALLONS A YEAR. SO IMAGINE BUDA AND KYLE TRANSITIONING FROM AQUIFER WATER TO SURFACE WATER IF THE WINFIELD MUD'S CAN USE THOSE WELLS AND THOSE PERMITS, THEN INSTEAD OF REDUCING OVERALL PUMPAGE, IT CAN STAY THE SAME, AND AS OTHER WELLS SPRING UP, PUMPAGE INCREASES AND INCREASES. SO WE

WOULD INCREASE THAT THE ORIGINAL LANGUAGE THAT THE DEVELOPERS AGREED TO TO COMPLETELY EXCLUDE EDWARD'S AQUIFER WATER BE PUT IN. THE SECOND REQUEST, THE BACKUP ON THIS ITEM IS 95 PAGES LONG. IT'S THICK. IT'S A LOT OF STUFF. AND WE WOULD LIKE YOU TO DELAY TO GIVE THE COMMUNITY MORE TIME TO UNDERSTAND THE INS AND OUTS OF THIS ARRANGEMENT, BUT AGAIN, NOT OPPOSING THE CREATION, WE'RE ASKING THAT YOU PUT THAT PROVISION BACK IN TO PROHIBIT EDWARD'S AQUIFER WATER. THANK YOU.

Mayor Wynn: THANK YOU, MR. CLARK. STEVE BEERS? WELCOME. YOU WILL HAVE THREE MINUTES.

Slusher: BEFORE MR. BEERS COMES UP, CITY MANAGER, COULD YOU SPEAK TO MR. CLARK'S POINT ABOUT THE EXISTING WELL?

Futrell: YEAH, WE DO NEED TO DO A CLARIFIER FOR THAT. AND I WILL HAVE YOU MAKE SURE I'M SAYING THIS ACCURATELY. THE DEAL WE HAD STRUCK WAS THAT THEY WOULD USE NO NEW EDWARD'S AQUIFER WATER, SO THAT THEY COULD ONLY USE WHAT WAS ALREADY PERMITTED. AND CORRECT ME IF I'M SAYING THAT INCORRECTLY.

BART JENNINGS WITH THE AUSTIN WATER UTILITY. YES, MA'AM, YOU'RE CORRECT, THERE IS AN ADDITIONAL RESTRICTION ALSO THAT THE DEVELOPER AGREED TO, AND THAT WAS AS WE REALIZED THAT AS THE CITY OF BUDA AND GO FORTH WATER SUPPLY CORPORATIONS WILL BE MIXING THEIR WATER AND THAT THE MOLECULES OF BARTON SPRINGS AND EDWARD'S AQUIFER WATER IS GOING INTO THIS ELEMENT IT'S HARD TO DISTINGUISH FROM SURFACE WATER. WHAT WE HAD THE DEVELOPER AGREE TO IS FOR WHATEVER AMOUNT OF WATER THAT IS BEING USED THAT IS OF MIXED ORIGIN THAT THEY WILL CONTRACT AND PAY FOR AN EQUAL AMOUNT OF WATER THAT IS NECESSARY FOR THE FULL DEVELOPMENT NEEDS OF THE M.U.D.'S. AND THAT WAY IT IS REDUCING THE DEPENDENCY OVERALL OF WATER FROM THE BARTON SPRINGS-EDWARD'S AQUIFER.

Futrell: OKAY.

Mayor Wynn: COUNCILMEMBER SLUSHER.

Slusher: LET ME MAKE SURE I UNDERSTAND THEN. IT'S REDUCING THE OVERALL, BUT COULD THEY PUMP WHATEVER THEY WANT OUT OF THIS WELL OUT OF THE BARTON SPRINGS-EDWARD'S AQUIFER?

LET ME GIVE YOU A LITTLE BIT CLEARER EXAMPLE. LET'S SAY THAT THE CITY OF BUDA WAS USING 100 MILLION GALLONS OF WATER IN THE M.U.D. OR 10 MILLION GALLONS OF WATER IN THE M.U.D., AND WE KNOW THAT PART OF THAT WATER IS BARTON SPRINGS-EDWARD'S AQUIFER AND PART OF IT COMING FROM THE GUADALUPE BLANCO RIVER AUTHORITY WHICH IS SURFACE WATER. IF THE M.U.D. WAS USING 10 MILLION GALLONS OF WATER FROM THE CITY OF BUDA, IT WOULD NEED TO CONTRACT FOR AND PAY FOR 10 MILLION GALLONS' WORTH OF WATER THAT IS A NON-BARTON SPRINGS-EDWARD'S AQUIFER SOURCE. THAT COULD BE SURFACE WATER FROM THE GUADALUPE, BLANCO RIVER AUTHORITY, IT COULD BE FROM THE COLORADO RIVER, IT COULD BE FROM CA REEZ SO WILCOX. THOSE WOULD BE EXAMPLES. CARRIZO.

Slusher: SO THEY COULD PUMP OUT A CERTAIN AMOUNT AND THEN HAVE TO GET THE REST OF IT THROUGH SURFACE WATER, BUT THEY COULD STILL TAKE A LOT OF WATER OUT OF THE BARTON SPRINGS PORTION OF THE AQUIFER.

THEY COULD FOR ANY EXISTING PERMIT, FOR EXAMPLE, THAT THE CITY OF BUDA HAS, THEY COULD USE THAT WATER BECAUSE THE CITY OF BUDA'S AREA COVERS PART OF M.U.D. NUMBER 1. BUT FOR WHATEVER WATER IS USED WITHIN THE M.U.D., THEY HAVE TO MEET AN EQUAL AMOUNT OF WATER FROM ANOTHER SOURCE AND PAY FOR THAT.

Slusher: SO YOU'RE SAYING NO MORE IS GOING TO COME OUT OF THAT WELL THAN IS ALREADY PERMITTED AT THIS POINT IN TIME?

YES, SIR.

Slusher: SO IF THE PERMITTED AMOUNT WERE TO GO UP, THEN THEY COULDN'T COME OUT OF THE BARTON SPRINGS

ZONE?

IF THERE IS AN INCREASED PERMITTED AMOUNT FOR THE CITY OF BUDA, IT WOULD NOT BE FOR THE M.U.D.'S, THE MUD'S HAVE AGREED NOT TO REQUEST ON THEIR BEHALF ANY NEW ADDITIONAL INCREASED AMOUNT OF WATER WHATSOEVER FROM THE BARTON SPRINGS-EDWARD'S AQUIFER.

Futrell: SO THERE ARE TWO POINTS. LET SEE IF WE CAN SUMMARIZE IT. THERE ARE TWO POINTS. THEY COULD ONLY USE EXISTING PERMITTED WATER FROM THE AQUIFER AND THEY HAD TO MATCH THAT WITH AN EQUAL SUPPLY OF SURFACE WATER PURCHASED SOMEWHERE ELSE. THEY COULD NOT USE ANY NEW EITHER EXTENSION OR EXPANSION OF PERMITTED WATER OR TAKE ON A NEW PERMIT.

THAT'S MUCH MORE CONCISE. THANK YOU.

Slusher: OKAY.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? SO COUNCIL, THAT'S ALL THE FOLKS WHO HAVE SIGNED UP WISHING TO SPEAK ON THIS PUBLIC HEARING.

Slusher: WE FORGOT ABOUT MR. BEERS.

Mayor Wynn: SORRY, STEVE.

MY SILENCE SPEAKS VOLUMES. THIS IS MY FIRST TIME IN THE NEW BUILDING. I CAME HERE TO HONOR -- (INDISCERNIBLE), CERTAINLY ONE OF THE LEADING LIVES OF OUR COMMUNITY. AND I JUST LEARNED OF THIS SITUATION, AND I'LL TELL YOU WHAT MY CONCERN IS. IF WHAT THIS IS DOING IS SAYING THAT THEY CAN TAKE BARTON SPRINGS-EDWARD'S AQUIFER WATER AS LONG AS IT'S WITHIN AN AUTHORIZED EXISTING PERMIT, LET'S CONSIDER THE FACT THAT THERE'S PLENTY OF STUFF THAT'S AUTHORIZED THAT AT THIS TIME IS NOT USED. FOR INSTANCE, HERE IT SAYS THE BARTON SPRINGS DISTRICT ANTICIPATES 2.87 BILLIONS GALLONS PER YEAR OF AUTHORIZED PUMPAGE DURING 2005. AND THEN THEIR RIEWNT SUSTAINABLE YIELD

GROUNDWATER MODEL SHOWS THAT THE DROUGHT OF RECORD THE ONLY AVAILABLE WATER IS 2.35 BILLION GALLONS A YEAR. IN OTHER WORDS, IF THERE'S A REPETITION OF THAT DROUGHT, ALL THE AUTHORIZED PUMPAGE WILL DRAIN THE AQUIFER DRY. SO I THINK THIS IS AN ALMOST GOOD DEAL WHERE YOU'RE GOING TO PUT SURFACE WATER IN THE DESIRED DEVELOPMENT ZONE. IT HAS THE POTENTIAL OF PREVENTING THESE NEW DEVELOPMENTS FROM USING THE AQUIFER WATER, BUT THEN INEXPLICABLY AT THE LAST SECOND WE USE THIS LOOPHOLE THAT INVALIDATES ALL THAT GOOD. SO I WOULD ASK YOU TO FIX THAT. THANKS.

Mayor Wynn: THANK YOU, MR. BEERS.

I MAY NOT BE SPEAKING CLEARLY, BUT THE WATER COMING FROM OTHER SOURCES OTHER THAN BARTON SPRINGS-EDWARD'S AQUIFER FOR CITY OF BUDA AND FOR GO FORTH WATER SUPPLY CORPORATION IS REPLACEMENT WATER. IT IS REPLACING WHATEVER IS USED FROM THAT MIXED SOURCE.

Futrell: SO I THINK THAT DOES CLOSE THE ISSUE THAT WAS JUST RAISED.

WE BELIEVE SO. AND ADDITIONALLY, IT WAS NEVER OUR UNDERSTANDING NOR THE DEVELOPER'S THAT THEY EVER AGREED NOT TO USE WATER THAT WAS FROM EXISTING PERMITS AS MR. COLIN FIRST STATED, THAT THAT WAS PART OF THE ORIGINAL AGREEMENT. THAT'S NOT OUR UNDERSTANDING.

Futrell: IT'S NOT TO SAY WE WOULDN'T HAVE ALL LOVED FOR NO AQUIFER WATER TO HAVE BEEN USED HERE, BUT YOU'RE RIGHT, IN ALL OF OUR DISCUSSIONS, OUR MAJOR CONCERN WAS JUST TRYING NOT TO HAVE THESE M.U.D.'S BE THE SOURCE OF ADDITIONAL OR NEW PERMIT, NEW USE OF WATER. SO YES, ALL OF OUR NEGOTIATIONS WERE TO PREVENT ANY ADDITIONAL WATER AND TO FIND REPLACEMENT WATER.

AND WE GOT AN ADDITIONAL BENEFIT BY HAVING THEM

AGREE TO TO REPLACE ANY WATER THAT WAS USED.

Slusher: WHEN WAS THIS PROVISION ADDED?

Futrell: I DON'T BELIEVE THE -- ARE YOU TALKING ABOUT THE REPLACEMENT WATER PROVISION, COUNCILMEMBERS?

SLUSHER: THE ONES THAT FOLKS WERE SAYING THIS WAS ADDED AT THE LAST MINUTE AND IT'S A LOOPHOLE. I THINK WE'VE EXPLAINED THE SUBSTANCE OF IT, BUT I'D LIKE TO KNOW WHEN IT WAS ADDED.

Futrell: I THINK IT'S BEEN THERE FOR SOME TIME.

I DIDN'T HEAR THE QUESTION.

Futrell: THE REPLACEMENT CLAUSE ON THE WATER.

Slusher: WHEN WAS IT ADDED? I'M SORRY, CITY MANAGER.

PROBABLY ABOUT TWO TO THREE MONTHS AGO.

Slusher: SO IT'S NOT AT THE LAST MINUTE.

NO, SIR.

Slusher: OKAY. MR. BARTLETT, WOULD YOU COME UP FOR A MINUTE? GOOD EVENING.

YES?

Slusher: I JUST WANTED TO CONFIRM THAT IT'S YOUR UNDERSTANDING AND THE INTERPRETATION OF THIS AGREEMENT THAT'S ON THE TABLE HERE THAT NO -- THAT THE M.U.D.'S WON'T BE ABLE TO PUMP ANY ADDITIONAL WATER OUT OF THE BARTON SPRINGS ZONE OF THE EDWARD'S AQUIFER BEYOND WHAT IS ALREADY PERMITTED?

THAT'S CORRECT.

Slusher: OKAY. AND CITY MANAGER, DID I WORD THAT CORRECTLY?

Futrell: I'M SORRY, I WAS JUST HAVING A CHANCE TO SEE THIS RESOLUTION FOR THE FIRST TIME. CAN YOU REPEAT IT FOR US?

Slusher: TAKE 2.

Futrell: YOU HAD IT DOWN TOO.

Slusher: CAN WE ROLL THE TAPE BACK INSTEAD? JUST KIDDING. WHAT I SAID WAS THAT I WAS ASKING MR. BARTLETT IF HIS INTERPRETATION AND UNDERSTANDING OF THE AGREEMENT THAT WE'RE ABOUT TO ENTER INTO IS THAT NO ADDITIONAL WATER CAN BE PUMPED OUT OF THE BARTON SPRINGS ZONE OF THE EDWARD'S AQUIFER BY THE M.U.D. BEYOND WHAT IS ALREADY PERMITTED. AND I THINK I REALLY DID WORD IT BETTER THE FIRST TIME.

THAT'S CORRECT.

Slusher: IS THAT CORRECT THAT I WORDED IT BETTER THE FIRST TIME?

BOTH STATEMENTS WERE CORRECT. [LAUGHTER]

Slusher: THANK YOU.

Futrell: BUT THEN THERE IS THE ADDITIONAL PIECE, WHICH HAS THEM DO THE REPLACEMENT WATER, WHICH I THINK HELPS US WITH THE PIECE WE WERE ALL CONCERNED ABOUT, WHICH IS WE ALL KNOW THAT EVEN WHAT'S PERMITTED CAN BE A PROBLEM.

Mayor Wynn: AGREED. SO COUNCIL, THAT'S ALL THE CITIZENS WHO SIGNED UP WISHING TO SPEAK. I'LL MAKE SURE, REFRESH AGAIN. STILL LEARNING THIS. SO WITH THAT I'LL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING.

Slusher: SO MOVE.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER SLUSHER, SECONDED BY THE MAYOR PRO TEM. ALL IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION TO CLOSE THE PUBLIC HEARING PASS OZ A VOTE OF FIVE TO ZERO WITH COUNCILMEMBERS THOMAS AND ALVAREZ OFF THE DAIS. QUESTIONS, COMMENTS?

Slusher: MAYOR, I JUST WANT TO SAY -- CITY MANAGER, DO YOU KNOW HOW LONG IT'S BEEN SINCE THE CITY CONSENTED TO DO M.U.D.'S?

Futrell: IT'S BEEN QUITE SOME TIME.

Slusher: THAT'S MY UNDERSTANDING. I'M NOT FOND OF M.U.D.'S. MR. JENNINGS HAS THE ANSWER.

YES, SIR. IT WAS 1987.

Slusher: 1987.

Futrell: TOLD YOU IT WAS QUITE SOME TIME.

Slusher: I KNEW IT WAS BACK THEN. THAT'S EVEN BEFORE THE MAYOR PRO TEM AND I WERE ELECTED. AND WE'RE NOT DOING THIS TONIGHT BECAUSE WE THINK THAT M.U.D.'S ARE NOW A GOOD IDEA. I NOTICED THAT MS. ARNOLD SIGNED UP AGAINST THEM, AND THAT'S CONSISTENT. I'LL BET YOU SHE WAS SIGNED UP AGAINST THE ONES IN 1987 AND THE ONES BEFORE THAT WHAT WE'RE ABLE TO DO THROUGH THIS AGREEMENT IS TO PROTECT THE WATER QUALITY IN THE BARTON SPRINGS ZONE, AND THESE ARE MUD'S THAT ARE IN THE DESIRED DEVELOPMENT ZONE, ALTHOUGH NOT IN THE CITY OF AUSTIN'S JURISDICTION. AND THEY WOULD LIKELY MOVE FORWARD WITH OR WITHOUT THE CITY'S CONSENT, SO I JUST WANTED TO MAKE THOSE THINGS CLEAR AND I WANTED TO ADD TO THAT THIS AMOUNT OF DEVELOPMENT GOING IN IS GOING TO CONTRIBUTE SIGNIFICANTLY TO TRAFFIC IN THAT AREA AND ON INTERSTATE 35. I KNOW JUDGE POWERS AT HAYS COUNTY IS LOOKING AT BOTH THE ROAD, BOND AND AN OPEN SPACE BOND. I THINK BOTH OF WHICH ARE GOING TO BE NEEDED. THERE'S ALREADY A LOT OF TRAFFIC LINED UP AT BUDA AND KYLE TRYING TO GET ON THE FREEWAY. THAT'S BECAUSE A LOT OF FOLKS ARE

MOVING OUT THERE BECAUSE OF THE LOWER COST OF THE HOUSING. SO WE'RE GOING TO HAVE TO WORK TOGETHER AS A REGION ON DEALING WITH THESE TRAFFIC CHALLENGES. AND ONE THING THAT WOULD HELP WOULD BE IF WE CAN GET THE UNION BASIC TRACT, WHICH I'M ON THAT BOARD FOR A LITTLE WHILE LONGER. I'VE TRIED TO GET THAT INTO PUBLIC HANDS AND THEN HAVE A STOP IN BUDA AND KYLE AT LEAST ON LOCAL ROUTES, AND THERE'S A NUMBER OF OTHER WAYS WE CAN COOPERATE, I THINK INCLUDING THAT THE ROADS -- THE NEW ROADS AND THE ROADS EXPANSION IN HAYS COUNTY BE CONCENTRATED IN THIS ARREST AND NOT BE MORE SPECULATIVE ROADS OUT OVER THE RECHARGE ZONE OF THE AQUIFER. SO ANYWAY, I WANTED TO GET ON THE RECORD ABOUT WHY WE WERE TAKING THIS ACTION TONIGHT.

Mayor Wynn: THANK YOU, COUNCILMEMBERS. MAYOR PRO TEM?

Goodman: I THINK IT'S IMPORTANT THAT WE RECOGNIZE THE REASON FOR A M.U.D. MINDSET AGAIN BECAUSE AT THIS POINT IN HISTORY WE'VE ALWAYS KNOWN THAT THE EDWARD'S AQUIFER HE DID WAS A FINITE WATER SOURCE AT ANY GIVEN TIME DEPENDING ON THE CYCLE FOR QUANTITY AND QUALITY, BUT RECENTLY IDENTIFIED IS THE SUSTAINABLE YIELD, WHICH PUTS REAL NUMBERS AND REAL PEOPLE INTO WHAT THE AQUIFER CAN SUPPLY. AND THAT IS ACTUALLY NOT A GOOD DAY FOR US BECAUSE THAT MEANS THAT THERE ARE ENOUGH PEOPLE HERE THAT WE CAN ACTUALLY IDENTIFY HOW MUCH THE AQUIFER CAN DO. AND IDENTIFY AT LEAST AN EDUCATED -- A GOOD EDUCATED GUESS AS TO WHAT THE LANDS CANNOT NOW SUSTAIN IN TERMS OF POPULATION. AND CERTAINLY THE VULNERABILITY OF POLLUTION WOULD TAKE EVEN THAT QUANTIFIABLE AMOUNT TO A LOWER LEVEL. AND IN DROUGHT, OF COURSE, IT'S A BRAND NEW GAME, ALL BETS ARE OFF. SO WE HAVE A GOVERNMENT THAT IS FOCUSED AND WAS CREATED FOR LOOKING AT THE ISSUES OF THE AQUIFER, AND THAT'S THE BARTON SPRINGS-EDWARD'S AQUIFER CONSERVATION DISTRICT. THEIR COMMENTS AND ACTIONS ARE NOT THERE, BUT SOME OF THE MEMBERS OF THAT BOARD TOOK ACTION SEEING US AS USURPING THEIR RULES OF PLAY. AND I DON'T THINK WE DID THAT.

CERTAINLY WE'VE BEEN OUT HERE PROTECTING THE AQUIFER AND TRYING TO FOR A LONG, LONG TIME, BUT I THINK FOR THE FUTURE IT IS GOOD TO RECOGNIZE THAT WHENEVER WE TALK ABOUT THE AQUIFER, AND WE'RE COMING UP WITH ANSWERS OR RESOLUTIONS TO ISSUES OF THE DAY THAT ARE REALLY REGIONAL AND NOT SPECIFIC, THAT WE ALL WORK TOGETHER, AND THAT'S THE ONLY WAY WE'RE EVER GOING TO MAKE A BIG ENOUGH DIFFERENCE HERE. SO ALTHOUGH I WILL NOT BE ON THE COUNCIL, I HOPE THAT ANY TIME AN OPPORTUNITY COMES UP WE AUTOMATICALLY REMEMBER TO BRING REGIONAL REPRESENTATION BECAUSE WE DON'T HAVE TO BE ALL BY OURSELVES OUT THERE ANY MORE. THE RECOGNITION, THE UNDERSTANDING, THE AIR WEARNESS AND THE COMMITMENT -- AWARENESS AND COMMITMENT IS GROWING BECAUSE WATER IS FINITE AND THE PRESSURES ON THE USE OF THAT WATER ARE GOING TO GET VERY HELLOUS IF I CAN USE THAT WORD. I FEEL ABSOLUTELY CERTAIN. AND IF WE'RE NOT ALL IN THIS TOGETHER, IT WILL BE DIVIDE AND CONQUER TIME AND WE COULD WIND UP WITH NO WATER OR LESS WATER THAN WE HAVE. SO I THINK THAT THE BOARD PRESIDENT WAS RIGHT IN THAT CONTEXT THAT WE SHOULD CONTACT THEM, WE SHOULD WORK WITH THEM, AND IN THIS CASE WE CERTAINLY SHOULD GO WITH THE DEAL THAT PROTECT FURTHER USE OF THE AQUIFER WATER WHEN THERE IS MORE DEVELOPMENT. THANKS, MAYOR.

Mayor Wynn: THANK YOU.

Slusher: MAYOR, I'M SORRY, COULD I HAVE ANOTHER FEW MINUTES? I JUST WANTED TO SAY THE MAYOR PRO TEM, SOME OF HER REMARKS REMINDED ME I READ TODAY IN THE IMPACT REPORT ABOUT THE AQUIFER DISTRICT'S MEETING LAST NIGHT AND I WANTED TO OFFER THE SAME ASSURANCES AS HER, BUT I ALSO WANTED TO THANK MR. SMITH IN PARTICULAR AND MR. GOODMAN FOR THEIR LEADERSHIP ON THIS ISSUE BECAUSE I THINK THEIR ACTIONS WERE VERY IMPORTANT FOR THE REGION AND VERY REGIONAL IN NATURE. SO THANK YOU.

Mayor Wynn: AGREED. THANK YOU, COUNCILMEMBER. FURTHER COMMENTS, QUESTIONS? IF NOT, THEN I GUESS

THE SEQUENCE WOULD BE FOR US TO TAKE A MOTION ON THIS ORDINANCE NUMBER 43, AND THAT WOULD TAKE US BACK TO ITEM NO. 10, THE E.T.J. RELEASE. SO I'LL ENTERTAIN A MOTION ON ITEM 43.

MOVE APPROVAL.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER DUNKERLEY TO APPROVE THE ORDINANCE AS POSTED, ITEM NUMBER 43. SECONDED BY THE MAYOR PRO TEM. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF FIVE TO ZERO WITH COUNCILMEMBERS ALVAREZ AND THOMAS OFF THE DAIS.

Goodman: I BELIEVE, MAYOR, THIS IS THE FIRST NIGHT I'VE EVER VOTED FOR IT.

Mayor Wynn: IT HAS TO BE. WE HAVEN'T CONSENTED TO ONE SINCE 1987.

Goodman: WELL, I HAD OTHER OPPORTUNITIES TO TALK ABOUT M.U.D.'S ON THE PLANNING COMMISSION.

Mayor Wynn: COUNCIL, THAT BRINGS US BACK TO ITEM NO. 10. IF WE COULD HAVE A BRIEF STAFF PRESENTATION ON HOW THIS CAME TO BE.

THANK YOU, MAYOR. I'M DAVID BOYD WITH THE CITY ATTORNEY'S OFFICE. VIRGINIA WAS PAGED BY HER DAY CARE FACILITY AND HAD TO LEAVE. THIS INTERLOCAL AGREEMENT WOULD AUTHORIZE THE EXCHANGE OF THE E.T.J. THAT IS THE -- I GUESS THE SECOND PART OF THE CONSENT AGREEMENT PROCESS THAT WE'VE WORKED OUT WITH BUDA. IT RELEASES TO THE CITY OF BUDA THE ACREAGE THAT IS SHOWN ON THE MAP, WHICH IS 15 AUSTIN SOME-ODD ACRES. I HAD THE EXACT ACREAGE HERE AND I DON'T FIND IT RIGHT NOW. THE CITY OF BUDA RELEASES TO THE CITY OF AUSTIN A PORTION THAT'S SHOWN ON THE MAP ON YOUR BACKUP MATERIAL. WHICH IS BOTH HAVE BEEN

REQUESTED AND APPROVED BY THE PROPERTY OWNERS, MRS. ATKINS, WHO OWNS THE PIECE THAT'S BEING RELEASED TO THE CITY OF AUSTIN, AND THE 2428 LIMITED PARTNERSHIP, WHICH IS THE OWNER OF THE WINFIELD M.U.D. AREA. THE AGREEMENT ALSO PROVIDES THAT THE CITY OF BUDA WILL HAVE THE AUTHORITY TO REGULATE SUBDIVISIONS IN THE AREA OF A 50-FOOT STRIP ADJACENT TO M.U.D.'S THREE AND FOUR, WHICH CONNECTS REMAINING E.T.J. THAT THE CITY OF AUSTIN STILL HAS IN THE HAYS COUNTY AREA. AND THIS IS SIMILAR TO THE PROVISIONS OF AN INTERLOCAL AGREEMENT WHICH YOU APPROVED LAST WEEK, I BELIEVE, AUTHORIZING THEM TO REGULATE PORTIONS OF THE SUBDIVISION WITHIN THE 50-FOOT STRIP AND IN AN AREA CALLED THE GREEN MEADOWS SUBDIVISION. SO THAT'S THE AGREEMENT IN A NUTSHELL. THE EXCHANGE OCCURS, BY THE WAY, AFTER ALL OF THE DEVELOPMENTS OF THIS DEAL HAS OCCURRED, AFTER THE M.U.D.'S HAVE BEEN CREATED. WE'VE ENTERED INTO A STRATEGIC PARTNERSHIP WITH MUD NUMBER 2, AND WE'VE ANNEXED M.U.D. NUMBER 2, BUT WE WILL ANNEX M.U.D. NUMBER 2 FOR LIMITED PURPOSES AT THE SAME TIME THAT THE E.T.J. EXCHANGE OCCURS.

Mayor Wynn: THANK YOU, DAVID. FURTHER QUESTIONS OF STAFF? COMMENTS? HEARING NONE, I'LL ENTERTAIN A MOTION ON ITEM NO. 10, THE INTERLOCAL AGREEMENT?

Goodman: MOVE APPROVAL.

Mayor Wynn: MOTION MADE BY THE MAYOR PRO TEM THAT I'LL SECOND TO APPROVE ITEM NO. 10, THIS INTERLOCAL AGREEMENT REGARDING THE E.T.J. EXCHANGE WITH THE CITY OF BUDA. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF FIVE TO ZERO WITH COUNCILMEMBERS THOMAS AND ALVAREZ OFF THE DAIS. MS. BROWN? SO COUNCIL, WITH NO MORE ITEMS POSTED FOR ACTION FOR THIS COUNCIL MEETING, WE STAND ADJOURNED. THANK YOU VERY MUCH.

End of Council Session Closed Caption Log